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Commonwealth of Pennsylvania.

UNIV. OF MICH.
MAY 21 1900

VETOES

BY THE GOVERNOR, OF BILLS PASSED BY THE LEGISLATURE, SESSION OF 1899.

WM. STANLEY RAY,
STATE PRINTER OF PENNSYLVANIA.
1899.

VETOES.

BILLS RETURNED TO THE LEGISLATURE BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, DURING ITS REGULAR SESSION, ENDING APRIL 20, A. D., 1899.

No. 1.

AN ACT

To protect the public from the unlawful use of bottles, jars, vessels, or other packages, in the sale and delivery of milk and cream and their products.

Section 1. Be it enacted, &c., That any person who shall use any bottle, vessel, jar, or other package, upon which is stamped, blown or engraved the name, title or mark other than that of the person so using the same, in the sale, exchange and delivery of milk or cream, or their products, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding one hundred dollars and imprisoned not exceeding six months, either or both, at the discretion of the court.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 8, 1899.

To the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 15, entitled "An act to protect the public from the unlawful use of bottles, jars, vessels, or other packages, in the sale and delivery of milk and cream and their products."

This act is evidently intended as a supplement to the act approved May 4, 1889, entitled "An act to prevent and punish the wrongful use or detention or misappropriation of milk cans, butter tubs and market boxes from the owners thereof, and the mutilation or obliteration of the name or residence of the owner on such cans, tubs or boxes," but varies from it in important particulars. The act of 1889 imposes a penalty for the use of milk cans, butter tubs or boxes of other persons without their consent.

This act when literally construed imposes a penalty upon any person who shall use any bottle, vessel, jar or any package upon which is stamped, blown or engraved the name, title or mark of any other person than himself, and might before ignorant or partial magistrates be used as a means of much annoyance to people who had not violated the rights of others in the trade. Besides, the act of 1889 imposes a fine "not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both, or either, at the discretion of the court," while this act imposes a fine not exceeding one hundred dollars and imprisonment not exceeding six months, either or both, at the discretion of the court. The imprisonment of six months seems to be too great for the offense. This act simply intends to impose a fine or imprisonment upon any person who shall use the trade mark of another without his consent. The courts are open to restrain by injunction any person who shall use the name, design or trade mark of another without his consent, not only in the milk business, but in any other legitimate business, and will award damages for such unwarranted use.

I can see no reason why this business should be protected by the imposition of a penalty so severe, more than any other business, and am not disposed to favor legislation which seeks to redress injuries of this kind by so severe and, in my judgment, unwarranted remedies.

The title of the act is, "To protect the public from the unlawful use of bottles, jars, vessels, or other packages, in the sale and delivery of milk and cream and their products." The public is already protected by penalties, under the acts of May 25, 1878, and July 7, 1885, for the sale of milk or cream adulterated in any manner, but the body of the act does not seek to protect the public, but to impose a severe penalty on any person who shall use any bottle, vessel, jar, or other package, upon which is stamped, blown or engraved a name, title or mark other than his own.

The bill apparently, under the intention declared in its title, masks the purpose which might be used by designing persons to destroy that free and unrestricted competition in a legitimate business which should be open to all.

WILLIAM A. STONE.

No. 2.

AN ACT

To amend the act, entitled "An act to limit the duration of the lien of the debts of decedents other than those of record," approved the eighth day of June, Anno Domini one thousand eight hundred and ninety-three, extending the duration of the lien of the debts of a decedent upon real estate to five years.

Section 1. Be it enacted, &c., That the first section of an act of Assembly, approved the eighth day of June, Anno Domini one thousand eight hundred and ninety-three, which reads as follows, namely: "That no debts of a decedent dying after the passage of this act, except they be secured by mortgage or judgment, shall remain a lien on the real estate of such decedent longer than two years after the decease of such debtor, unless an action for the recovery thereof be commenced against his heirs, executors or administrators within the period of two years after his decease, and duly prosecuted to judgment, or a copy or particular written statement of any bond, covenant, debt or demand, where the same is not payable within the said period of two years, shall be filed within the period of two years in the office of the prothonotary of the county where the real estate to be charged is situate, and then to be a lien only for the period of two years after said bond, covenant, debt or demand becomes due. And it shall be the duty of the prothonotary of said county, when a statement as aforesaid is filed in his office, to index the same in the judgment docket as other liens are indexed," be and the same is hereby amended to read as follows, namely: That the debts of a decedent dying after the passage of this act, not secured by mortgage or judgment, shall remain a lien on the real estate of such decedent for five years after the decease of such debtor, and no longer, unless an action for the recovery thereof be commenced against his heirs, executors or administrators within the period of five years after his decease, and duly prosecuted to judgment, or a copy or a particular written statement of any bond, covenant, debt or demand, where the same is not payable within the period of five years, in the office of the prothonotary of the county where the real estate to be charged is situate, and then to be for the period of five years only after said bond, covenant, debt or demand becomes due. And it shall be the duty of the prothonotary of said county, when a statement as aforesaid is filed in his office, to index the same in the judgment docket as other liens are indexed.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 8, 1899.

To the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 35, entitled "An act to amend the act, entitled 'An act to limit the duration of the lien of the debts of decedents other than those of record,' approved the eighth day of June, Anno Domini one thousand eight hundred and ninety-three, extending the duration of the lien of the debts of a decedent upon real estate to five years."

The present law, which this bill seeks to amend, gives a creditor holding an unsecured account against the decedent two years in which to prosecute his claim. It limits the lien of the debt against the decedent to a period of two years after the decease of such debtor. The unadjudicated account of the creditor is not a lien on the real estate of the debtor during his life, but becomes such the moment the debtor dies. This partiality in favor of the creditor should not be extended beyond a reasonable period. I am inclined to think that two years is a reasonable period, and I think it is so regarded in general by the bench and the bar of the State.

The extension of the time to a period of five years would compel heirs at law to wait that length of time before they could convey real estate of the decedent with safety, and no person could with safety purchase at private sale until the period of five years had elapsed. I can see no reason why an inheritance in lands should be locked up for so long a period, and children who might be dependent thereon deprived of the right to enjoy that which their ancestors intended them to have.

This bill would extend the lien of debts of decedents upon which the two years had not yet expired to a period of five years from the date of the death of the decedent and, of course, affect all cases hereafter. It would throw a cloud upon titles and put an embargo upon the sale of real estate. Besides, it is a radical and positive change in the rules of adjustment and settlement of decedents' estates, which should never be made unless justice demands it. Adherence to settled rules of law in matters that affect so many people affords better security and confidence than sweeping and radical changes.

WILLIAM A. STONE.

No. 3.

A SUPPLEMENT

To an act, entitled "An act to provide for the incorporation and regulation of savings banks and institutions without capital stock, established for the encouragement of saving money," approved the twentieth day of May, one thousand eight hundred and eighty-nine, authorizing and regulating branch offices of such banks and institutions.

Section 1. Be it enacted, &c., That any corporation for the encouragement of saving money, incorporated under the act approved the twentieth day of May, one thousand eight hundred and eighty-nine, entitled "An act to provide for the incorporation and regulation of savings banks and institutions without capital stock, established for the encouragement of saving money," may establish branch offices within the limits of the county in which the original office is established, upon application, under the seal of the corporation, to the Commissioner of Banking, certifying:

First. The particular location in which such branch is intended to be established.

Second. The facilities for saving already existing within a radius of half a mile from such location.

Third. Such other reasons as exist for the establishment of the branch.

If satisfied that the establishment of such a branch will be of advantage to the neighborhood in which it is intended to be established, the Commissioner of Banking shall issue a license for such branch to the corporation applying therefor.

Section 2. All transactions of any savings bank, or corporation for the encouragement of saving money, which may take place at any branch established in accordance with this act, shall be subject to all the provisions of the act under which the original corporation was incorporated, and to the same supervision and control by the Commissioner of Banking as the corporation by which such branch is established.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa. April 14, 1899.

To the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 86, entitled "A supplement to an act, entitled 'An act to provide for the incorporation and regulation of savings banks and institutions without capital stock, established for the encouragement of saving money,' approved the twentieth day of May, one thousand eight hundred and eighty-nine, authorizing and regulating branch offices of such banks and institutions."

The act to which this is a supplement has not found general favor with the public. It authorizes the organization of savings banks without capital stock, and without fixing any liability upon the directors or stockholders to depositors. It returns no profits to persons organizing a savings bank under this act, and does not exhibit any inducement for organization under it, but affords opportunities to persons to divert funds of depositors, and, in my judgment, any extension or enlargement of the powers of trustees of savings banks chartered under the act to which this is a supplement should not be encouraged.

The act under consideration, which is a supplement to the act of 1889, authorizes the establishment of branch savings banks within the limits of the county in which the original office is established. The depositor has no guarantee except the honesty of the trustees, aided by the watchfulness of the State officials. Banks should never be authorized, except under the most rigid and exacting laws for the protection of the depositor. There is no community in our State where the people do not have access to banks under laws more favorable for their protection, and if banking facilities are not at present sufficient to meet the demands of the public in any locality, it is not likely they will long remain so, for banking like every other legitimate business is quick to respond to the demands of any and all communities.

If there should be any particular demand for a savings bank at any point in the Commonwealth, one can be organized under the act to which this is a supplement, and I see no demand for the establishment of branch savings banks and no reason why this bill should receive Executive approval.

WILLIAM A. STONE.

No. 4.

AN ACT

Granting a pension to Evan James.

Whereas, Evan James, a private of company "I," commanded by Captain F. S. Boas, in the Twelfth regiment, Pennsylvania Volunteer Militia, commanded by Colonel W. B. Thomas, called out by the proclamation of the Governor (Andrew G. Curtin), dated tenth day of September, one thousand eight hundred and sixty-two, while with his company and regiment on the railroad train from Greencastle to Harrisburg, Pennsylvania, in consequence of a collision of cars his right foot was badly injured, right ankle broken, two ribs on left side broken, and serious bodily injuries sustained. He also suffers from rheumatism, resulting from said injuries, crippling him for life, and rendering him unfit for manual labor; therefore,

Section 1. Be it enacted, &c., That the State Treasurer be and is hereby directed to place the name of the said Evan James on the list of pensioners, at the rate of eight ($8.00) per month, commencing from the date of the passage of this act, to continue during his natural life.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 14, 1899.

To the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House bill No. 166, entitled "An act granting a pension to Evan James."

This bill proposes to put one Evan James on the pension roll, at the rate of eight dollars per month, for injuries received in a railroad collision on a train coming from Greencastle to Harrisburg in 1862, while a private in company I, Twelfth Pennsylvania Volunteer Militia.

This accident occurred, according to the recital in the bill, thirty-seven years ago, which fact in itself, it seems, would justify the withholding of Executive approval. Pensions are granted by the United States Government to all Union soldiers disabled in the Civil War. The State should not place any citizen upon its pension roll, except where the injury is of such a character, and the services rendered are of such a character, as to justify the expenditure. The person injured was not a soldier of the United States Army. He was a member of

the State Militia, called out by the Governor to resist an invasion of the State. The strong probabilities are that, if the injuries were of such a character as to justify the State in granting a pension, it would have been awarded many years ago. I do not think at this late day the State should grant a pension to any person injured in the Civil War, unless the circumstances were such as to remove all doubt as to the merits of the claim and afford a sufficient explanation of the long delay in presenting it.

WILLIAM A. STONE.

No. 5.

AN ACT

To enlarge the competency of the wife to testify against her husband.

Section 1. Be it enacted, &c., That in any civil action brought against the husband to recover necessaries furnished to the wife, if the husband makes defense at the trial upon the ground that his wife had left him without justification or excuse, before the necessaries were furnished, or upon any other ground which attacks the wife's character or conduct, she shall be a competent witness in rebuttal for the plaintiff; and she shall likewise be a competent witness, on behalf of the defendant, in any civil action brought by the husband against any third party to recover damages for the alleged alienation of said wife's affections, or for criminal conversation with her.

Section 2. In any criminal proceeding brought against the husband, if he makes defense at the trial upon any ground which attacks the wife's character or conduct, she shall be a competent witness in rebuttal for the Commonwealth.

Section 3. All acts or parts of acts inconsistent herewith are hereby repealed.

W. P. SNYDER,
President pro tempore of the Senate.
JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 14, 1899.

To the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate bill No. 43, entitled "An act to enlarge the competency of the wife to testify against her husband."

House bill No. 63, entitled "An act to enlarge the competency of the wife to testify against her husband," received my approval on the 11th day of April last, and was formally messaged to the House of Representatives.

This bill, which has now become a law, is practically the same as Senate bill No. 43, and obviates any necessity for the approval of the latter bill. The only difference between House bill No. 63, which has been approved, and Senate bill No. 43, which I herewith return, is enlarging the right of the wife to testify in actions brought against third parties by the husband. This enlargement was originally in House bill 63, and it appears to have been stricken out on its passage. Its retention in Senate bill No. 43 was evidently an inadvertence, as it seems to be an enlargement of the right of the wife to testify, which is foreign to the purpose of the balance of the bill, while House bill No. 63, with that provision erased, is in my judgment very proper legislation. The provision making the wife a competent witness in suits brought by the husband against third parties, treads upon ground dangerous to that domestic tranquility that should exist in every home, and is sufficient to justify the withholding of Executive approval.

WILLIAM A. STONE.

CONCURRENT RESOLUTION RETURNED TO THE LEGISLATURE BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, DURING ITS REGULAR SESSION ENDING APRIL 20, A. D., 1899.

No. 1.

In the House of Representatives,
April 3, 1899.

Whereas, Under an act of Assembly approved April 15, 1835, and its various supplements, the Susquehanna Canal Company is authorized to erect a dam across the Susquehanna River at or near the town of Columbia, for the sole purpose of feeding its canal; and

Whereas, Section 16 of the act of April 15, 1835, incorporating said company, provides, "that said canal company shall not engage directly or indirectly in any banking, money, commercial or manufacturing concern, or in the transportation or storage of any merchandise, lumber, coal, grain, flour or other articles, nor shall they hold, erect or own any other lands, buildings, wharves or docks than such as shall be necessary and convenient for their business as a canal company;" and

Whereas, That the works erected by the corporation within the State of Pennsylvania are designed to be used for speculative purposes and to aid in the supply of light, heat and power to citizens of other states, thus violating the original franchises granted to the company; therefore

Resolved (if the Senate concur), That a special committee of two Senators and three members of the House be appointed to inquire into the matter and report the facts to the Legislature at an early day.

JERE B. REX,
Chief Clerk of the House of Representatives.

The foregoing resolution concurred in.

E. W. SMILEY,
Chief Clerk of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 14, 1899.

To the House of Representatives of the Commonwealth of Pennsylvania:

I herewith return, without my approval, concurrent resolution, originating in the House of Representatives April 3, 1899, and concurred in by the Senate, and received by me April 5, A. D. 1899. The resolution recites, inter alia, that the Susquehanna Canal Company was authorized by the act of April 15, 1835, and its supplements, to erect a dam across the Susquehanna river at or near the borough of Columbia for the purpose of acting as a feeder to its system, and that, under the 14th section it was denied the right to engage in certain kinds of business therein designated. It further recites that it is the intention of this corporation to exceed its corporate rights and privileges, and, because of these alleged unlawful acts, a committee to consist of two Senators and three members is to be appointed to inquire into the alleged infraction of the law and make report thereof to the Legislature.

If such a committee should be appointed, and, after investigation, should make a report to the Legislature, it is not clear what further action could be taken by your body in reference to the questions raised. The act of June 14, 1836 (P. L. 621), provides all the legal machinery necessary to remedy every evil complained about in the recitals of the resolution. Section 3 of said act imposes upon the Attorney General the duty to proceed in all such cases, and provides, among other things, as follows: When "any corporation has forfeited its corporate rights, privileges or franchises as aforesaid, or exercised any power, privilege or franchise not granted or appertaining to such corporation, it shall be his duty to file, or cause to be filed, a suggestion as aforesaid, and to proceed thereon for the determination of the matter." Under this authority it is the practice to permit any citizen, who desires so to do, to make complaint to the Attorney General of the alleged misuse of corporate powers, privileges or franchises, and if the facts warrant the procedure it is incumbent on the Attorney General to file a suggestion in the proper court asking for a writ of ouster against the corporation in so far as it exceeds its corporate franchises. The law having already provided the necessary authority to inquire into the matters complained about, I deem it a work of supererogation to have further legislation on the subject. Should the committee asked for be appointed and make report to the Legislature, the whole matter, under the acts of Assembly, would necessarily be referred to the law officer of the Commonwealth, and this can as well be done without the delay and expense of legislative investi-

gations. I consider it unwise to encourage the appointment of investigating committees. On general principles I am not in sympathy with their appointment. There may be occasions when the public good requires such investigations, but in most instances no useful purpose is served thereby. The resolution makes no provision for the payment of the expenses of the committee, which, I take it, means that the State will be called on at a later period to pay the expenses of the proposed investigation. I am strongly of opinion that the expenses of all investigating committees should be limited in the resolutions creating them, otherwise most unreasonable demands will be made upon the State Treasury. For these, and other reasons that could be urged with propriety, I feel it to be my duty to withhold my approval.

WILLIAM A. STONE.

VETOES.

BILLS FILED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, WITHIN THIRTY DAYS AFTER THE ADJOURNMENT OF THE LEGISLATURE ON THE 20TH DAY OF APRIL, A. D., 1899.

No. 1.

AN ACT

To authorize the election of borough supervisor, for the purpose of keeping open and repairing said streets and crossings in all boroughs of this Commonwealth.

Section 1. Be it enacted, &c., That the qualified electors of all boroughs within the limits of counties containing less than five hundred thousand inhabitants, shall on the third Tuesday of February after the passage of this act, and annually thereafter, elect one person for the borough supervisor, who shall serve for the term of one year from the first Monday of March, and shall give a bond to be approved by the court.

Section 2. That the salary of the said supervisor shall be fixed by the borough council.

Section 3. That the supervisor shall not do any work on any of the streets or crossings, for or on account of said borough, without the same be authorized by said borough council.

Section 4. In case of vacancy in said office, the court of quarter sessions of said county shall, upon petition of the citizens of said borough, appoint a person to fill such vacancy until the next annual organization of said borough council.

Section 5. All acts and parts of acts inconsistent herewith be and the same are hereby repealed.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 5, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 20, entitled "An act to authorize the election of borough supervisors, for the purpose of keeping open and repairing said streets and crossings in all boroughs of this Commonwealth."

The purpose of this bill is to enable the qualified electors of all boroughs within the limits of counties containing less than five hundred thousand inhabitants to elect, on the third Tuesday of February, one person as borough supervisor for a period of one year. This act is in conflict with the provisions of the act of May 25, A. D. 1897 (P. L. 89), which provides that the borough council shall have the right to appoint a street commissioner on the first Monday of March in each year. It was the intention of the act of 1897 to make the street commissioner subject to the supervision and control of the town council, and I can see no good reason why the policy of the law should be changed in this respect. The town council being primarily responsible for the condition of the streets, lanes and alleys in a borough, should, in my judgment, have the right to appoint the person who has the supervision of the work done on such streets, lanes and alleys.

Then again, the bill undertakes to make a classification of boroughs according to the population of the counties in which they are located. If a borough is located in a county having less than 500,000 population, the bill applies; but if the borough were located in a county having more than 500,000 population, it does not apply. The classification herein intended to be established does not even depend upon the population of the borough, but is regulated by the population of the county in which the borough is located. I am not aware that such an attempt at classification has been heretofore made, and am clearly of opinion that such a classification cannot be justified under the provisions of our Constitution. I therefore withhold my approval.

WILLIAM A. STONE.

No. 2.

AN ACT

To provide that the treasurers of the several counties, or city coextensive with a county, of the Commonwealth shall transmit annually to the State Treasurer the one-fourth part only, or such portion only as the Commonwealth is or may be legally entitled to retain, of the tax collected on property subject to taxation for State purposes.

Section 1. Be it enacted, &c., That the treasurer of every county, and city coextensive with a county, of the Commonwealth shall, in

the first week in January, April, July, and October of each year, report to the Auditor General the amount of State tax received by him since his last preceding settlement with the State; whereupon the Auditor General shall make a settlement with said Treasurer, setting forth explicitly the amount of said tax, which by existing laws the State Treasurer would be entitled to retain, which settlement shall be forwarded to said county treasurer; within five days after the receipt of any such settlement it shall be the duty of each of the said county treasurers, aforesaid, to pay over to the State Treasurer the amount found by such settlement to be due the State, and shall retain the amount which under existing laws it would be the duty of the State Treasurer to return to the county treasurer.

Section 2. All acts or parts of acts in so far as they conflict with the provisions of this act are hereby repealed.

JOHN R. FARR,
Speaker of the House of Representatives.
J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 5, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 79, entitled "An act to provide that the treasurers of the several counties, or city coextensive with a county of the Commonwealth shall transmit annually to the State Treasurer the one-fourth part only, or such portion only as the Commonwealth is or may be legally entitled to retain, of the tax collected on property subject to taxation for State purposes."

It is the purpose of this act to permit the several counties to retain, and not pay into the Treasury at all, that portion of the State tax upon personal property to which they are entitled under the provisions of the 16th section of the act of June 8, A. D. 1891. This legislation is the result of a very general misconception of the nature of the tax imposed. It should not be forgotten that the tax in question is a State tax. It was originally imposed for the purpose of raising revenue in aid of the State government. The acts under which this tax is collected made the several counties the instrumentalities for the collection of the same. At first the counties were allowed a small amount for the expense incurred in making the assessment and collecting the tax. Afterwards this was increased from time to time, until in 1891 three-fourths of the tax was returned by the State to the counties. This was a gratuity on the part of the State and gave to the counties a portion of the tax to which they were not primarily entitled. Being a State tax, however, under our Constitution and laws it should be

paid into the State Treasury, and cannot be paid out except on appropriations made by law. Section 16 of Article III of the Constitution provides that, "No money shall be paid out of the Treasury except upon appropriations made by law and on a warrant drawn by the proper officer in pursuance thereof." The plain intent of this Constitutional provision cannot be misunderstood. All public moneys belonging to the State must come into the custody of the treasurer, and it then becomes the duty of the Legislature to make appropriations of that money as it may deem proper, and, after the appropriations have been made according to law, it is necessary that warrants shall be drawn by the proper officers in favor of the person, institution or municipal corporation entitled to the same. This bill attemps to divert a large amount of State tax from the custody of the State Treasurer, and permits county treasurers to retain moneys belonging to the State, without a warrant having been issued in favor of the county treasurer by the Auditor General, as required by the Constitution and laws of our Commonwealth. This is, it seems to me, in contravention of the Constitutional provision above referred to, and I, therefore, withhold my approval.

WILLIAM A. STONE.

No. 3.

AN ACT

To amend an act, entitled "An act to amend an act, entitled 'An act prescribing the mode of fixing the salaries of county superintendents of common schools,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-eight, amending first section thereof by fixing minimum salaries to be paid said superintendents," increasing the minimum salaries to be paid said superintendents.

Section 1. Be it enacted, &c., That section one of an act, entitled "An act to amend an act, entitled 'An act prescribing the mode of fixing the salaries of county superintendents of common schools,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-eight, amending first section thereof by fixing the minimum salaries to be paid said superintendents," which reads as follows:

"Section 1. That the salary of each superintendent of common schools, elected according to law, in the year one thousand eight hundred and ninety-three, and thereafter, shall be four dollars and fifty cents for each school in his jurisdiction at the time of his election, to be paid out of the general fund appropriated for common schools: Provided, That the salary of a county superintendent shall in no case be

less than one thousand nor more than two thousand dollars per annum. And provided further, That conventions of school directors, when assembled for the purpose of electing a county superintendent, may vote him a salary greater than the amount he would receive by this act, such increase to be in all cases taken from the school fund of the county thus voting. That in all counties having over one hundred and ninety schools or twelve hundred square miles of territory, or a school term exceeding seven and one-half months, the salaries of said superintendents shall not be less than fifteen hundred dollars," be and the same are hereby amended so as to read as follows:

Section 1. That the salary of each superintendent of common schools, elected according to law, in the year one thousand eight hundred and ninety-nine, and thereafter, shall be four dollars and fifty cents for each school in his jurisdiction at the time of his election, to be paid out of the general fund appropriated for common schools: Provided, That the salary of a county superintendent shall in no case be less than fifteen hundred dollars nor more than two thousand dollars per annum. And provided further, That conventions of school directors, when assembled for the purpose of electing a county superintendent, may vote him a salary greater than the amount he would receive by this act, such increase to be in all cases taken from the school fund of the county thus voting.

J. P. S. GOBIN,
President of the Senate.

JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 202, entitled "An act to amend an act, entitled 'An act to amend an act, entitled "An act prescribing the mode of fixing the salaries of county superintendents of common schools," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-eight, amending first section thereof by fixing minimum salaries to be paid said superintendents,' increasing the minimum salaries to be paid said superintendents."

This bill amends the act prescribing the mode of fixing the salaries of county superintendents of public schools, approved the 29th day of April, 1878, and prevents the school directors of the counties from fixing the salaries of the county superintendents at a less sum than one thousand five hundred dollars per annum.

I am of the opinion that there is no reason for presuming that the school directors of any county are not capable of fixing the value of the services of the county superintendent. I can see no reason why an embargo should be placed upon them, preventing them from fixing it below a certain specific sum. They ought to be better acquainted with the services to be performed by the county superintendent, and better capable of fixing the salary, than the Legislature and the Governor. In my judgment there has been no such abuse of their perrogative in this particular as justifies me in approving a bill which is a reflection upon their intelligence or their fairness. I think the school directors of the several counties can be safely trusted to estimate the value of the services of the county superintendent and fix his salary without further interference by the Legislature, and I, therefore, withhold my approval.

WILLIAM A. STONE.

No. 4.

AN ACT

Making an appropriation to William District, a cook in company C, Fourteenth regiment, National Guard of Pennsylvania, on account of injuries received while on duty at Camp Hastings, in April, Anno Domini one thousand eight hundred and ninety-eight.

Whereas, William District, a cook in company C, Fourteenth regiment, National Guard of Pennsylvania, while in the service of the State, at Camp Hastings in April, Anno Domini one thousand eight hundred and ninety-eight, received injuries which incapacitated him from following his usual employment for a period of five months; therefore,

Section 1. Be it enacted, &c., That the State Treasurer be and he is hereby required to pay to the said William District the sum of two hundred and seventy-five dollars, the same being compensation for his loss of time from his usual business, as well as reimbursement for the expenses of medical attendance; the said sum to be paid out of any money in the Treasury not otherwise appropriated.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 134, entitled "An act making an appropriation to William District, a cook in company C, 14th regiment, National Guard of Pennsylvania, on account of injuries received while on duty at Camp Hastings in April A. D. 1898," for the reasons set forth in the veto of Senate bill No. 300.

WILLIAM A. STONE.

No. 5.

AN ACT

To provide compensation to Daniel B. Hughes, a member of the National Guard of Pennsylvania, for loss of work, medical attendance and nursing, during the time of his disability, produced by a cold in the head, which he contracted in the service at Lattimer, Pennsylvania, in September, one thousand eight hundred and ninety-seven.

Whereas, Daniel B. Hughes, of Scranton, a musician in company D., Thirteenth regiment, National Guard of Pennsylvania, who was called into the service of the State during the riots at Lattimer, Luzerne county, in September, one thousand eight hundred and ninety-seven, contracted a severe cold in the head while in the service of the State, from which cold an abscess developed, necessitating two painful operations upon the right ear, and compelling him to lose work for four months, besides entailing upon him great expense for medical attendance and nursing, in all amounting to three hundred dollars; therefore,

Section 1. Be it enacted, &c., That the State Treasurer be and is hereby authorized and empowered to pay to said Daniel B. Hughes three hundred dollars, being the amount of loss he sustained by medical attendance and nursing and loss of work, from a cold, contracted while in the service of the State, said sum of money to be paid out of any money in the Treasury not otherwise appropriated, upon a warrant or warrants to be drawn by the Auditor General in the usual manner, it being understood that the amount of money provided to be paid in this bill is to cover the amount to which said soldier is justly entitled on account of the sickness which he contracted in the service, and which, after being relieved from duty, rendered him unable to

perform any manual labor for four months and compelled him to contract debts for medical attendance and nursing on account of such sickness.

W. P. SNYDER,
President pro tempore of the Senate.

JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 300, entitled "An act to provide compensation to Daniel B. Hughes, a member of the National Guard of Pennsylvania, for loss of work, medical attendance and nursing during the time of his disability, produced by a cold in the head, which he contracted in the service at Lattimer, Pennsylvania, in September one thousand eight hundred and ninety-seven."

I am opposed to the granting of pensions and gratuities by the State to persons in the military service by special bills. The United States Government makes ample provision for the granting of pensions to all persons injured or disabled in the service of the country. It is very easy for a great State like Pennsylvania to gradually obtain an extensive pension list if the doors are opened by special legislation such as is provided in this bill. If pensions and gratuities are to be granted for persons injured in the National Guard it should be under a general law, with proper restrictions. Special laws should not find favor, and in our present financial condition I am compelled to withhold my approval of this bill.

No. 6.

AN ACT

Granting a pension to Emma C. Shadel, the widow of Sergeant Elmer E. Shadel, and authorizing the State Treasurer to place her name on the list of pensioners, and pay said pension to her quarterly.

Whereas, Sergeant Elmer E. Shadel, of company C (commanded by Captain A. J. Davis) of the Fifteenth regiment National Guard of Pennsylvania (commanded by Colonel W. A. Kreps), called out by proclamation of the Governor, dated the eleventh day of July, Anno

Domini one thousand eight hundred and ninety-two, while with his company at Homestead, Pennsylvania, contracted in camp disease, which resulted in consumption and finally in death on the second day of October, Anno Domini one thousand eight hundred and ninety-four, leaving to survive him a widow, Emma C. Shadel, to whom a short time after his decease a child was born.

And whereas, The said widow being in destitute circumstances; therefore,

Section 1. Be it enacted, &c., That the State Treasurer be and he is hereby authorized and empowered to place the name of Emma C. Shadel, widow of Elmer E. Shadel, of Clarion borough, Clarion county, Pennsylvania, on the list of pensioners, and pay to her at the rate of eight dollars per month, to be computed from the second day of October, Anno Domini one thousand eight hundred and ninety-four, and payable quarterly during her widowhood.

JOHN R. FARR,
Speaker of the House of Representatives.
W. P. SNYDER,
President pro tempore of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 300, entitled "An act granting a pension to Emma C. Shadel, the widow of Sergeant Elmer E. Shadel, and authorizing the State Treasurer to place her name on the list of pensioners and pay said pension to her quarterly," for the reasons set forth in the veto of Senate bill No. 300.

WILLIAM A. STONE.

No. 7.

AN ACT

Entitled "An act granting a pension to Mary E. Givens, widow of W. H. Givens."

Whereas, W. H. Givens was a member of company I, Eighth regiment, National Guard of Pennsylvania, commanded by Captain J. H. Drenning, "called out by proclamation of the Governor, dated September eleventh, Anno Domini one thousand eight hundred and ninety-seven, and while with his company at Hazleton, Pennsylvania, he the

said W. H. Givens contracted in camp 'pneumonia,' from which he died on the thirteenth day of November, Anno Domini one thousand eight hundred and ninety-seven, leaving to survive him a widow, Mary E. Givens, and five minor and helpless children;" and

Whereas, The said widow and children are in destitute circumstances; therefore,

Section 1. Be it enacted, &c., That a pension of eight dollars per month be paid to Mary E. Givens during her widowhood, commencing the thirteenth day of November, one thousand eight hundred and ninety-seven, and that the said pension shall be paid to the said widow by the State Treasurer every three months.

JOHN R. FARR,
Speaker of the House of Representatives.

W. P. SNYDER,
President pro tempore of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 301, entitled "An act entitled 'An act granting a pension to Mary E. Givens, widow of W. H. Givens,'" for the reasons set forth in the veto of Senate bill No. 300.

WILLIAM A. STONE.

No. 8.

AN ACT

Making an appropriation to the Allentown Hospital Association.

Section 1. Be it enacted, &c., That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Allentown Hospital Association, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance: Provided, That if any part of an appropriation made to this institution by an act of Assembly approved July twenty-fourth, one thousand eight hundred and ninety-seven, be drawn from the State Treasury this appropriation shall not become available.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

JOHN R. FARR,
Speaker of the House of Representatives.
J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 698, entitled "An act making an appropriation to the Allentown Hospital Association."

This bill makes an appropriation of five thousand dollars to the Allentown Hospital Association for the two fiscal years beginning June 1st, 1899, for the purpose of maintenance. The act of July 24, 1897 (P. L. 411) made an appropriation of five thousand dollars to this institution, which said sum has not been used, for the reason, as I am informed, that no hospital building has been provided by this Association, and it is therefore not in operation. The present bill contains a proviso that, if any part of the appropriation made in 1897 be drawn from the State Treasury, the appropriation made in the present bill shall not become available. It would thus appear that the association intended to be benefited by this appropriation has not succeeded in establishing a public hospital. At a time when it is necessary, by reason of the deficit in our Treasury, to reduce appropriations to worthy institutions already created, I deem it most unwise to make appropriations to institutions not yet in existence. I therefore withhold my approval.

WILLIAM A. STONE.

No. 9.

AN ACT

Making an appropriation to the Master Builders' Mechanical Trade School of the city of Philadelphia.

Section 1. Be it enacted, &c., That the sum of seven thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Master Builders' Mechanical Trade School of the City of Philadelphia, for the two fiscal years

beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance: Provided, That within said school there shall be maintained ten free scholarships, to be filled by the nomination of the Governor of the Commonwealth from the State at large.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

JOHN R. FARR,
Speaker of the House of Representatives.
J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I herewith file in the office of the Secretary of the Commonwealth, with my objections thereto, House bill No. 753, entitled "An act making an appropriation to the Master Builders' Mechanical Trade School of the City of Philadelphia."

This bill appropriates the sum of seven thousand dollars to the Master Builders' Mechanical Trade School of the City of Philadelphia, for the two fiscal years beginning June 1st, A. D. 1899, for the purpose of maintenance. I have no doubt that the institution intended to be aided by this appropriation is engaged in a good work, and that the proposed appropriation would be wisely expended. If the financial condition of the State were such as to justify the setting apart of seven thousand dollars for the benefit of this institution, I would have no hesitancy in approving this bill. Unfortunately, however, for this and other worthy institutions, the revenues of the State are not sufficient to pay the current and necessary expenses of all branches of the State Government, support our penal, charitable and eleemosynary institutions, make the anual appropriations to the common and orphans' schools, provide for the National Guard, and bestow our favors upon institutions as worthy even as the one named in this bill. The State, like an individual, must be just before it is generous. It is wrong for the State to undertake to give away more money than it receives, no matter how worthy the institution may be that is the beneficiary of the appropriation. I am, therefore, very reluctantly obliged to withhold executive approval from this bill.

WILLIAM A. STONE.

No. 10.

AN ACT

To amend the first and second sections of an act, entitled "An act providing for the regulation of the manufacture and sale of distilled and fermented vinegars, prescribing their standard, to prevent the adulteration of the same, providing for the enforcement thereof, and punishment for the violation of the same," approved the eighteenth day of June, Anno Domini one thousand eight hundred and ninety-seven, so as to provide that vinegar made wholly from grapes, apples or other fruits shall not be required to contain an acidity of four per centum, or one and one-half per centum of solids.

Section 1. Be it enacted, &c., That section one of an act to provide for the regulation of the manufacture and sale of distilled and fermented vinegars, prescribing their standard, to prevent the adulteration of the same, providing for the enforcement thereof, and punishment for the violation of the same, approved the eighteenth day of June, Anno Domini one thousand eight hundred and ninety-seven, which reads as follows:

"Section 1. Be it enacted, &c., That from and after the passage of this act no person, firm or corporate body shall manufacture for sale, offer for sale, or expose for sale, sell or deliver, or have in his, her or their possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold or exposed for sale as apple or cider vinegar which is not the legitimate product of pure apple juice, or vinegar not made exclusively of said apple cider, or vinegar in which foreign substances, drugs or acids shall have been introduced as may appear upon proper test, and upon said test shall contain not less than an acidity of four per centum, and one and one-half per centum by weight of cider vinegar solids upon full evaporation at the temperature of boiling water; no vinegar shall be branded 'fruit vinegar' unless the same be made wholly from grapes, apples or other fruits," be and the same is hereby altered and amended so as to read as follows:

Section 1. Be it enacted, &c., That from and after the passage of this act no person, firm or corporate body shall manufacture for sale, offer for sale, or expose for sale, sell or deliver, or have in his, her or their possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold or exposed for sale as apple or cider vinegar which is not the legitimate product of pure apple juice, or vinegar not made exclusively of said apple cider, or vinegar in which foreign substances, drugs or acids shall have been introduced as may appear upon proper test; no vinegar shall be branded 'fruit vinegar' unless the same be made wholly from grapes, apples or other fruits.

Section 2. Which reads as follows:

"Section 2. All vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded 'fermented vinegar,' with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded 'distilled vinegar,' and all such distilled vinegar shall be free from coloring matter added before, during or after distillation, and from color other than that imparted to it by the process of distillation. And all fermented vinegar, not distilled, shall contain not less than one and one-half per centum by weight on full evaporation (at the temperature of boiling water), of solids derived from the fruit or grain from which said vinegar is fermented. And all vinegar shall be made wholly from the fruit of grain from which it is represented to be made, and shall contain no foreign substance, and shall contain not less than four per centum by weight of absolute acetic acid: Provided, That this shall not be construed to prohibit the use of such an amount of spices as are necessary for flavoring, provided such spices do not color the vinegar," be and the same is hereby altered and amended so as to read as follows:

Section 2. All vinegar made by fermentation and oxidation, without the intervention of distillation, shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and all such distilled vinegar shall be free from coloring matter added before, during or after distillation, and from color other than that imparted to it by the process of distillation. And all vinegar shall be made wholly from the fruit or grain from which it is represented to be made, and shall contain no foreign substance: Provided, That this shall not be construed to prohibit the use of such an amount of spices as are necessary for flavoring, provided such spices do not color the vinegar.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I file herewith in the office of the Secretary of the Commonwealth, with my objections thereto, House bill No. 142, entitled "An act to amend the first and second sections of an act, entitled 'An act providing for the regulation of the manufacture and sale of distilled and fermented vinegars, prescribing their standard to prevent the adul-

teration of the same, providing for the enforcement thereof and punishment for the violation of the same,' approved the eighteenth day of June, Anno Domini, one thousand eight hundred and ninety-seven, so as to provide that vinegar made wholly from grapes, apples or other fruits shall not be required to contain an acidity of four per centum or one and one-half per centum of solids."

The act of June 18th, A. D. 1897, provided for the regulation of the manufacture and sale of distilled and fermented vinegars. It enacted, among other things, that no vinegar should be sold or exposed for sale as apple or cider vinegar which is not the legitimate product of pure apple juice, and that all such vinegar should contain an acidity of not less than four per centum and one and one-half per centum of vinegar solids. The provisions of this act have been enforced throughout the State by the Dairy and Food Commissioner, with the result that a large amount of spurious and adulterated vinegar has been driven out of the market.

The purpose of this bill is to remove all standards of acidity and solids from cider vinegar. This would virtually destroy the present law, and would necessarily open our market to the flood of adulterated vinegars which found ready sale prior to the passage of the act of 1897. It is estimated that, before the present vinegar law was enforced, fully seventy-five per centum of the vinegar sold in the State as cider vinegar did not contain any apple juice whatever. The spurious vinegars were shipped in large quantities from Western states and cities and found ready sale in our markets. It was branded "Cider Vinegar" and sold as such to our citizens. The enforcement of our present vinegar law has largely broken up this imposition on our people, and it seems to me it would be unwise to take a backward step in this matter.

Before fixing the standards in the act of 1897 a large number of vinegar samples were selected from different parts of the State and analyzed for the purpose of fixing a minimum standard for solids and acidity that would be fair to all interests. I am informed that our standard for vinegar solids—one and one-half per centum—is lower than that of any other State, and that the standard of acidity—four per centum—is one-half per cent lower than that of New York and Massachusetts. It would thus appear that the standards fixed in the act of 1897 are not too high for any person who manufactures vinegar to be sold in our markets. It seems to me that all manufacturers of vinegar, as well as farmers and consumers, should be alike interested in the prevention of fraud and deception in the manufacture and sale of so useful an article as vinegar. I therefore withhold my approval.

WILLIAM A. STONE.

No. 11.

AN ACT

Making an appropriation to William F. Powell, second lieutenant of company I, Ninth regiment National Guard of Pennsylvania, on account of accident and disability contracted at Hazleton, Luzerne county, Pennsylvania, in the riots of one thousand eight hundred and ninety-seven.

Section 1. Be it enacted, &c., That the sum of seven hundred and fifty dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to him, the said William F. Powell, lieutenant, as compensation for the time lost from his usual vocation, and medical attendance, on account of his disability incurred in the service of the State aforesaid; the amount appropriated to be paid by the State Treasurer to the order of the said William F. Powell, lieutenant, in the usual manner.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 777, entitled "An act making an appropriation to William F. Powell, second lieutenant of company I, Ninth regiment National Guard of Pennsylvania, on account of accident and disability contracted at Hazleton, Luzerne county, Pennsylvania, in the riots of one thousand eight hundred and ninety-seven," for the reasons set forth in the veto of Senate bill No. 300.

WILLIAM A. STONE.

No. 12.

AN ACT

Making an appropriation to Charles N. Robinson, a seaman in division A, First Naval Battalion, Naval Force of the State of Pennsylvania, on account of injuries received while on duty on United States ship San Francisco in August, Anno Domini one thousand eight hundred and ninety-three.

Section 1. Be it enacted, &c., That the State Treasurer be and he is hereby required to pay to the said Charles N. Robinson the sum of one hundred and fifty dollars, the same being reimbursement for the

expenses of medical attendance, the said sum to be paid out of any money in the treasury not otherwise appropriated.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 783, entitled "An act making an appropriation to Charles H. Robinson, a seaman in Division A, First Naval Battalion Naval Force of the State of Pennsylvania, on account of injuries received while on duty on United States Ship San Francisco, in August, A. D. 1893," for the reasons set forth in the veto of Senate bill No. 300.

WILLIAM A. STONE.

No. 13.

AN ACT

To amend an act entitled "An act authorizing the State Treasurer to refund collateral inheritance tax heretofore paid or that may hereafter be paid in error," passed the twelfth day of June, Anno Domini one thousand eight hundred and seventy-eight, providing that the limitation of time within which such applications may be made shall not apply to certain cases.

Section 1. Be it enacted, &c., That section one of the said act of the twelfth day of June, Anno Domini one thousand eight hundred and seventy-eight, which reads as follows:

"That in all cases where any amount of collateral inheritance tax has heretofore been paid or may hereafter be paid erroneously to the register of wills of the proper county for the use of the Commonwealth it shall be lawful for the State Treasurer, on satisfactory proof rendered to him by said register of wills of such erroneous payment, to refund and pay over to the executor, administrator, person or persons who may have heretofore paid or may hereafter pay any of such tax in error the amount of such tax erroneously paid: Provided, That all such applications for the payment of such aforesaid tax erroneously paid into the treasury shall be made within two years from the date of such payment," be amended so as to read as follows:

Section 1. Be it enacted, &c., That in all cases where any amount of collateral inheritance tax has heretofore been paid or may hereafter be paid erroneously to the register of wills of the proper county for the use of the Commonwealth, it shall be lawful for the State Treasurer on satisfactory proof rendered to him by said register of wills of such erroneous payment to refund and pay over to the executor, administrator, person or persons who may have heretofore paid or may hereafter pay any of such tax in error the amount of such tax erroneously paid: Provided, That all such applications for the payment of such aforesaid tax erroneously paid into the treasury shall be made within two years from the date of such payment; Provided further, That the limitation within which such applications shall be made shall not apply where the estate upon which collateral inheritance tax has been erroneously paid shall consist either in whole or in part of a partnership or other uncertain interest, the value of which by reason of litigation may not have been ascertained within two years after such payment.

J. P. S. GOBIN,
President of the Senate.

JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 128, entitled "An act to amend an act entitled 'An act authorizing the State Treasurer to refund collateral inheritance tax heretofore paid or that may hereafter be paid in error,' passed the twelfth day of June, Anno Domini one thousand eight hundred and seventy-eight, providing that the limitation of time within which such application may be made shall not apply to certain cases.' "

This act amends the act of June 12, 1878, by adding as a proviso that the limitation within which such application should be made for refunding the collateral inheritance tax shall not apply where the estate upon which the collateral inheritance has been erroneously paid shall consist either in whole or in part of a partnership or other uncertain interest, the value of which by reason of litigation or other cause may not have been ascertained within two years after such payment.

This bill removes the limitation entirely and directs the Treasurer to refund the collateral inheritance tax where the estate consists either in whole or in part of a partnership, or other uncertain interest

without regard to the length of time intervening between the collection of the tax and its repayment. It is probably true that a reasonable extension of the two years limit should be made in estates consisting either in whole or in part of a partnership where its value could not be ascertained owing to litigation, but the limitation which applies to all other estates should not be entirely removed in these cases. This would direct the Treasurer to refund collateral inheritance tax fifty years after it has been paid, and while in my judgment the State should not retain any money to which it is not entitled, yet the same reason for a limitation should apply to the State as well as individuals where such time has elapsed as affords a reasonable presumption that there are no claimants. I cannot consent that there shall be no limitation whatever in refunding this tax even in cases where the estate consists in whole or in part of a partnership, the settlement of which has been delayed by litigation, and therefore withhold my approval of this bill.

WILLIAM A. STONE.

No. 14.

A FURTHER SUPPLEMENT

To the act, entitled "An act to prescribe the manner in which the courts may divide boroughs into wards," approved May fourteen, one thousand eight hundred and seventy-four, providing for the electing and commissioning of separate justices of the peace in and for each of the wards into which boroughs, located within the limits of counties containing not less than one hundred and fifty thousand inhabitants, may be divided.

Section 1. Be it enacted, &c., That in all boroughs, located within the limits of counties containing not less than one hundred and fifty thousand inhabitants, which have been or which hereafter may be divided or subdivided into two or more wards, by proceedings under the act of the General Assembly of this Commonwealth, approved May fourteen, one thousand eight hundred and seventy-four, entitled "An act to prescribe the manner in which the courts may divide boroughs into wards," or under any supplement thereto, there shall be elected and commissioned one justice of the peace in and for each and every one of said wards into which such borough has been or may be subdivided: Provided, That each said ward shall not have less than fifteen hundred inhabitants.

Section 2. That the election of such ward justices by the qualified electors of the respective wards shall be held at the same time and place, and in the same manner, as other justices of the peace are

elected in this Commonwealth, and returns thereof shall be made, and commissions issued by the Governor for the term of five years, and vacancies in said office shall be filled in the same manner as is now or may hereafter be provided by general laws regulating the election and commissioning of justices of the peace.

Section 3. The Governor shall, upon application therefor, appoint and commission suitable persons as justices of the peace, in and for such wards in said boroughs as may not have any such justices of the peace now in office, to serve as such until the entry into office of such justices as may be elected at the next regular municipal elections.

Section 4. That all provisions of any act of assembly inconsistent herewith be and the same are hereby repealed.

W. P. SNYDER,
President pro tempore of the Senate.

JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania.
Executive Department,
Harrisburg, Pa., May 6, 1899.

I herewith file in the office of the Secretary of the Commonwealth, with my objection thereto, Senate bill No. 32, entitled "A further supplement to the act, entitled 'An act to prescribe the manner in which the courts may divide boroughs into wards,' approved May fourteen, one thousand eight hundred and seventy-four, providing for the electing and commissioning of separate justices of the peace in and for each of the wards into which boroughs located within the limits of counties containing not less than one hundred and fifty thousand inhabitants may be divided."

The purpose of the legislation proposed in this bill is to provide for the election of one justice of the peace in each and every ward of a borough, located in a county containing not less than one hundred and fifty thousand inhabitants, and divided into wards under the provisions of the act of May 14, A. D. 1874 (P. L. 159.)

Under the provisions of the Constitution and the several acts of Assembly relating to the question of the election of justices of the peace, as construed by the courts, it is now settled that boroughs are entitled to elect only two justices of the peace by the concurrent vote of the electors in all the wards. This has been a vexed question and has resulted in much litigation in our courts. Now that it has been finally determined, as above stated, I deem it unwise to open the question anew.

Then, again, an attempt is made to classify the boroughs, to which

the provisions of this bill apply, by the population of the counties in which boroughs may be located. Boroughs located in counties of less than one hundred and fifty thousand inhabitants would elect only two justices of the peace, while boroughs divided into wards, in counties containing more than one hundred and fifty thousand population, would be entitled to one justice of the peace for each ward. The operation of this law would produce somewhat peculiar results. For instance, a borough containing a population of ten thousand, but located in a county having less than one hundred and fifty thousand population, would be entitled to elect only two justices, while a borough, having but five thousand people and divided into four wards, but located in a county having a population of more than one hundred and fifty thousand, would be entitled to elect four justices of the peace. It is clearly apparent that such a classification would not work equitable results. Such a classification does not come within either the letter or spirit of the Constitution, in my judgment. I may add that I doubt very much the wisdom of multiplying offices of this character in the several boroughs of the Commonwealth. I am, therefore, constrained to withhold executive approval from this bill.

WILLIAM A. STONE.

No. 15.

AN ACT.

Relating to and fixing the compensation and fees of the treasurer of Northampton county, and repealing section forty-one of the act of one thousand eight hundred and thirty-four, so far as it relates to said county of Northampton.

Section 1. Be it enacted, &c., That from and after the first day of January, Anno Domini one thousand nine hundred, the treasurer of the county of Northampton shall be entitled to have and receive (in lieu of the compensation now allowed by law) a stated and fixed salary of twelve hundred ($1,200) dollars per annum, payable in quarterly annual instalments, in addition to the fees and compensation now received by him for the collection of moneys due to and for the use of the Commonwealth; and the forty-first section of the act of Assembly, approved the fifteenth day of April, Anno Domini one thousand eight hundred and thirty-four (so far as relates to the county of Northampton), and is inconsistent herewith, be and the same is hereby repealed.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 8, 1899.

I herewith file, in the office of the Secretary of the Commonwealth, with my objections thereto, House bill No. 585, entitled "An act relating to and fixing the compensation and fees of the treasurer of Northampton county, and repealing section forty-one of the act of one thousand eight hundred and thirty-four, so far as it relates to said county of Northampton."

This bill undertakes to fix the salary to be received by the treasurer of the county of Northampton at a stated sum annually, and in addition, repeals some local laws applicable to said county. The provisions of the bill are intended to fix the compensation of the treasurer of a single county in the Commonwealth. It is, therefore, local legislation, and, if it regulates the affairs of that county, within the meaning of the Constitution, it is prohibited by Section 7 of Article III. The case of Morrison v. Bachert, 112 P. S., 322, decides that an act to ascertain and appoint the fees to be received by prothonotaries and other county officers is an act regulating the affairs of counties. In my judgment this bill comes within the ban of the constitutional provisions above referred to, and I therefore withhold my approval.

WILLIAM A. STONE.

No. 16.

AN ACT

To amend the first section of an act, entitled "An act to provide for the licensing of buildings and other places in which theatrical, operatic or circus performances are held and menageries or museums are exhibited, and fixing the price to be paid for said licenses," approved the twenty-fourth day of June, Anno Domini one thousand eight hundred and ninety-five, exempting buildings used for such purposes in boroughs and townships having a population of less than one thousand five hundred people.

Section 1. Be it enacted, &c., That the first section of an act, entitled "An act to provide for the licensing of buildings and other places in which theatrical, operatice or circus performances are held and museums or menageries are exhibited, and fixing the price to be paid for said licenses," approved the twenty-fourth day of June, Anno Domini one thousand eight hundred and ninety-five, which reads as follows:

"Section 1. That from and after the passage of this act the owner or owners or lessee or lessees, according to agreement between said owner or owners or lessee or lessees, of a building or buildings, the

whole or part of which are fitted up and used for theatrical or operatic entertainments or for the exhibition of museums shall pay to the use of the Commonwealth, an annual license at the following rates, viz: In cities of the first class, five hundred ($500) dollars; in cities of the second class, four hundred ($400) dollars; in cities of the third class, seventy-five ($75) dollars, and in all boroughs or townships, thirty ($30) dollars. For circuses and menageries the price of a license be the same as hereinbefore required to be paid by the owners of buildings used for theatrical and operatic performances or the exhibition of museums when exhibited in a building, the license to be paid by the owner or owners of said building; when the exhibition shall be given in a tent or enclosure of like character, the license to be paid by the proprietors of the circus or menagerie. Any person, being the proprietor of a circus or menagerie which shall exhibit in a tent or enclosure of like character, desiring a license for the exhibition of the said circus or menagerie for the whole State for one year shall be entitled to receive the same upon payment of one thousand ($1,000) dollars, to be paid to the treasurer of any county for the use of the Commonwealth, and the provisions of this act hereinbefore contained shall not be held to apply to such circus or menegerie paying such license for the whole State. The license hereinbefore provided for shall be granted by the treasurer of the proper county upon receiving the price of the same, the payment whereof shall entitle the person or persons paying the same to the use of the priviege conferred by this act. If any owner or owners or lessee or lessees of a building or buildings, the whole or part of which are fitted up and used for theatrical or operatic entertainments or for the exhibition of museums, or the owner of a building or buildings in which any circus or menagerie may be exhibited, or the owners or proprietors of a circus or menagerie exhibiting in a tent or enclosure of like character, shall hold or allow to be held in such building or buildings, tent or enclosure any theatrical or operatic entertainments, or the exhibition of any museum, menagerie or circus within any city, borough or township of the Commonwealth, without first having had or obtained a license as aforesaid, he or they so offending shall be liable to indictment, and upon conviction shall pay each such offense a fine of not less than one hundred ($100) dollars and not greater than five hundred ($500) dollars, at the discretion of the court trying said offense, all such fines to be paid into the treasury of the county wherein such conviction shall take place," be and the same is hereby amended to read as follows:

Section 1. That from and after the passage of this act the owner or owners, or lessee or lessees, according to agreement between the said owner or owners, or lessee or lessees, of a building or buildings, the whole or part of which are fitted up and used for theatrical or operatic entertainments or for the exhibition of museums, shall pay to the use

of the Commonwealth an annual license at the following rates, viz: In cities of the first class, five hundred ($500) dollars; in cities of the second class, four hundred ($400) dollars; in cities of the third class, seventy-five ($75) dollars, and in all boroughs and townships having a population of one thousand eight hundred or over, said population to be approximated by taking the number of votes polled at the last general election and counting five persons for each vote so polled, thirty ($30) dollars. For circuses and menageries the price of a license shall be the same as hereinbefore required to be paid by the owner or owners of buildings used for theatrical and operatic performances or the exhibition of museums when exhibited in a building, the license to be paid by the owner or owners of said building; when the exhibition shall be given in a tent or enclosure of like character, the license to be paid by the proprietor or proprietors of the circus or menagerie. Any person, being the proprietor of a circus or menagerie which shall exhibit in a tent or enclosure of like character, desiring license for the exhibition of said circus or menagerie, shall be entitled to receive the same upon payment of one thousand ($1,000) dollars, to be paid the treasurer of any county in the State, to the use of the Commonwealth; and the provisions of this act, hereinbefore contained, shall not be held to apply to such circus or menagerie paying such license for the whole State. The license hereinbefore provided for shall be granted by the treasurer of the proper county, upon receiving the price of the same, the payment whereof shall entitle the person or persons paying the same to the use of the privileges conferred by this act. If any owner or owners, or lessee or lessees, of a building or buildings, the whole or part of which are fitted up and used for theatrical or operatic entertainments or for the exhibition of museums, or the owner or owners of a building or buildings in which shall be exhibited a circus or menagerie, or the proprietor or proprietors of a circus or menagerie exhibiting in a tent or enclosure of like character, shall hold or allow to be held in such building or buildings, tent or enclosure, any theatrical or operatic entertainment, or the exhibition of any museum, menegerie or circus within any city, borough or township in this Commonwealth, without first having obtained a license as aforesaid, he or they so offending shall be liable to indictment, and upon conviction thereof shall pay for each such offense a fine of not less than one hundred ($100) dollars nor greater than five hundred ($500) dollars, at the discretion of the court trying said offense, all fines to be paid into the treasury of the county wherein such conviction shall take place.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 8, 1899.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections thereto, House bill No. 109, entitled "An act to amend the first section of an act, entitled 'An act to provide for the licensing of buildings and other places in which theatrical, operatic or circus performances are held and menageries or museums are exhibited, and fixing the price to be paid for said licenses,' approved the twenty-fourth day of June, Anno Domini one thousand eight hundred and ninety-five, exempting buildings used for such purposes in boroughs and townships having a population of less than one thousand five hundred people.

It is the intention of this bill to amend the first section of the act of June 24, A. D. 1895, which provides for the licensing of buildings in which theatrical, operatic or circus performances are held, by exempting buildings used for such purposes in boroughs and townships having a population of less than one thousand five hundred people. The act of 1895 provided an annual license tax upon buildings of the character hereinbefore designated, and, for the purpose of providing an equitable system of imposing the tax, required a license of five hundred dollars in cities of the first class, four hundred dollars in cities of the second class, seventy-five dollars in cities of the third class, and thirty dollars in all boroughs and townships. This bill proposes to exempt buildings of this character from the payment of license taxes in all boroughs and townships having a population of less than one thousand eight hundred.

There are at least four serious objections to this bill:

1. The title provides for an exemption of buildings, used for the purposes designated in the act, in boroughs and townships having a population of less than one thousand five hundred persons, while the first section provides that the exemption shall apply to buildings in boroughs and townships having a population of less than one thousand eight hundred people. The Constitution requires a title to fairly give notice of the subject matter of a bill, and it is very doubtful whether a title, which designates all boroughs and townships having a population of less than one thousand five hundred people, gives proper notice of the enacting clause which extends the benefit of the act to boroughs and townships having a population of less than one thousand eight hundred people.

2. The framers of the new Constitution intended by Section 1 of Article IX, to establish the rule that all taxes shall be uniform within the territorial limits of the authority levying the tax, and provided what property could be exempted from the operation of

tax laws. Section 2 of the same article provides that all laws exempting property from taxation, other than the property enumerated in Section 1, shall be void. Theatrical buildings are not within the exempted classes mentioned in Section 1 of the article above referred to, and it is therefore doubtful whether such an exemption can be sustained under these constitutional provisions.

3. An attempt is made to classify boroughs and townships by population; that is to say, all boroughs and townships having a population of more than one thousand five hundred, as provided in the title, or one thousand eight hundred, as specified in the first section of the bill, shall be subject to the payment of the license tax, while boroughs and townships having a less population shall be exempt from the provisions of the proposed law. The Constitutional right as well as the propriety of such legislation is very doubtful.

4. I can see no sufficient reason for reducing the license tax on buildings of this character below the amount specified in the act of 1895, which the present bill is intended to amend. All such laws should be uniform throughout the entire State in the classification recognized by the Constitution and laws.

For these and other reasons that might be specified, I withhold my approval from this bill.

WILLIAM A. STONE.

No. 17.

AN ACT

Repealing the act "Providing for the collection of the amounts due the Commonwealth for the purchase money, interest and fees due on unpatented lands," approved May twenty-sixth, one thousand eight hundred and ninety-seven.

Section 1. Be it enacted, That the act of Assembly, entitled "An act providing for the collection of the amounts due the Commonwealth for the purchase money, interest and fees due on unpatented lands," approved May twenty-sixth, one thousand eight hundred and ninety-seven, be and the same is hereby repealed.

J. P. S. GOBIN,
President of the Senate.
JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 8, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 41, entitled "An act repealing the act 'Providing for the collection of the amounts due the Commonwealth for the purchase money, interest and fees due on unpatented lands,' approved May twenty-sixth, one thousand eight hundred and ninety-seven."

Having already approved Senate bill No. 11, entitled "An act relating to the liens of the Commonwealth against unpatented lands, providing for their adjustment, and for the granting of patents," which provides a method for the settlement of claims due the Commonwealth for the purchase money, interest and fees due on unpatented lands, in connection with the acts of May 20, A. D. 1864, and May 26, A. D. 1897, it is unnecessary to approve the present bill. The provisions of Senate bill No. 11 will remedy the evils sought to be cured by the repal of the act of 1897, and I therefore withhold my approval.

WILLIAM A. STONE.

No. 18.

AN ACT

Providing for the transfer of judgments and mortgages by the holder thereof, at maturity, upon the request of the debtor.

Section 1. Be it enacted, &c., That it shall be lawful for any debtor or debtors whose indebtedness is secured by a mortgage or judgment, upon the maturity of such indebtedness to require the plaintiff in such judgment, or the mortgagee in such mortgage, to transfer the same to such other person, or persons, or corporation, as the debtor shall elect, upon the tender to him, them, her or it of the debt, interest and costs which shall have accrued and be due upon the said mortgage or judgment, and upon a failure or refusal to comply with such request the defendant or defendants in the judgment, or the mortgagor or mortgagors in the mortgage, may apply to the court of common pleas in the county in which said judgment or mortgage is entered, by petition setting forth the facts and praying that such transfer be made, and upon proof that the debt has matured, and that the debt, interest and costs which shall have accrued thereon has been tendered, it shall be the duty of the said court to make an order and decree di-

recting the transfer of the said judgment or mortgage to such person, or persons, or corporation, as the petitioner may desire, and it shall be the further duty of the said court, upon the presentation of said petition, to stay all proceedings for the collection of the said judgment or mortgage until the same is disposed of.

J. P. S. GOBIN,
President of the Senate.

JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 8, 1899.

I herewith file, in the office of the Secretary of the Commonwealth, with my objections thereto, Senate bill No. 107, entitled, "An act providing for the transfer of judgments and mortgages by the holder thereof at maturity upon the request of the debtor."

If this bill should become a law it would establish a new relationship between debtors and creditors. It would require a creditor to transfer his mortgage or judgment to whomsoever the debtor might designate upon a tender of the amount of the debt, interest and costs secured by the mortgage or judgment. It is a very serious question whether such a law does not violate that provision of the bill of rights which provides that no law shall be passed impairing the obligation of contracts. The holder of a mortgage or judgment has a contract with the maker thereof that is written into the obligation. The debtor always has it within his power to compel the cancellation of the obligation by paying the obligation, debt, interest and costs. This bill goes a step further than any law that has been enacted up to this time, and would seem to require the holder of a mortgage or judgment to perform an act not specified in his contract and not now required by any law. The propriety of such legislation is very doubtful and the right to enact it under our Constitution problematical. I do not see that any useful purpose would be served by the enactment of this law and am not impressed with the wisdom of its provisions. I therefore withhold my approval.

WILLIAM A. STONE.

No. 19.

AN ACT

To recognize the service of Colonel William Bender Wilson to the Commonwealth during the Civil War.

Section 1. Be it enacted, &c., That whereas, William Bender Wilson, now of Holmesburg, in the Thirty-fifth ward of the city of Philadelphia, Pennsylvania, then of Harrisburg, Pennsylvania, rendered important and delicate service to the Commonwealth, on and over the borders of the State, as a telegraph operator and scout during the raids and invasions of one thousand eight hundred and sixty-two, one thousand eight hundred and sixty-three, and one thousand eight hundred and sixty-four, the Governor of the Commonwealth is hereby empowered to recognize such service by issuing to said William Bender Wilson a commission as Colonel in the volunteer forces of the State, covering those periods, and reciting the services rendered, together with a gold medal, commemorative of them.

Section 2. The sum of one hundred dollars is hereby set apart from any moneys in the treasury, not otherwise appropriated, for the purpose of carrying this act into effect.

JOHN R. FARR,
Speaker of the House of Representatives.
W. P. SNYDER,
President pro tempore of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 9, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 168, entitled "An act to recognize the service of Colonel William Bender Wilson to the Commonwealth during the Civil War."

This act seeks to confer upon William Bender Wilson the rank of Colonel in the volunteer forces of the State during a period of the war for the suppression of the Rebellion, and provides further for the furnishing of a gold medal to the said William Bender Wilson commemorative of the services he rendered "as a telegraph operator and scout during the raids and invasions of one thousand eight hundred and sixty-two, one thousand eight hundred and sixty-three, and one thousand eight hundred and sixty-four."

While the Executive is thoroughly appreciative of the valuable services rendered by William Bender Wilson and is entirely willing that they be recognized in some appropriate and fitting manner, he, however, is of the opinion that it should be done by the granting of a

certificate of honor, setting forth the character of service rendered, and providing by appropriate legislation for the issuance of a similar certificate to those who rendered equally valuable and distinguished service, should they so desire it. It cannot have been the intention of the General Assembly to at this time confer the rank of Colonel in the volunteer forces of the State during the Civil War upon a person who was never mustered into the service, and to give him equal rank and honor with officers who served in command of regiments in the United States service during the entire period of the War. It would establish a most unwise and dangerous precedent, and detract from the force and honor of commissions issued during the War, the holders of which were duly mustered into the service of the United States; and the Executive is, therefore, compelled very reluctantly to disapprove, and respectfully suggests that the honorable recognition to which William Bender Wilson, and others who rendered valuable service, is entitled, be provided for by proper legislation in the future.

WILLIAM A. STONE.

No. 20.

AN ACT

To make county, city, school, borough, road, poor and township taxes a lien on real estate, and to give such lien or liens priority for the period of two years from the time such taxes are levied, in the order named, over any tax, lien, recognizance, mortgage, judgment, obligation or responsibility, except the interests of the widow and heirs charged on real estate under proceedings in the orphans' court, but no longer unless the same be entered of record in the prothonotary's office of the proper county in which such real estate is situate, in appropriate tax lien docket or dockets, in alphabetical order, against the several persons, firms or corporations against whom the same may be levied or assessed, and making such entry notice to all persons, and providing that such liens shall not be hereafter entered upon the general judgment index; providing the manner of continuing and enforcing such liens, and designating the fees of the prothonotary in connection therewith; providing when such liens shall be discharged by a judicial sale of the real estate so encumbered, and imposing duties upon sheriffs, tax collectors, county commissioners, county, city, school, borough, road, poor, and township officials and other persons, in the collection of said taxes.

Section 1. Be it enacted, &c., That from and after the passage of this act, all county, city, school, borough, road, poor and township taxes, levied against real estate within the Commonwealth, shall be and shall continue to be a lien on real estate against which such taxes are levied for a period of two years from the time such taxes are levied, but no longer, unless the same be entered of record in the prothonotary's office of the county in which such real estate is situate, in ap-

propriate tax lien docket or dockets to be kept for that purpose. And such liens shall be entered in alphabetical order against the several persons, firms or corporations against whom the same may be levied or assessed, and when so entered the same shall be notice to all persons, and such liens shall not be hereafter entered upon the general judgment index; and no lien so enterd shall retain its priority for a longer period than five years from the date of such entry, unless the same be revived and continued by writ of scire facias within such period, and duly prosecuted to judgment as in the case of judgment liens.

Section 2. The proper authorities of the county, city, school, borough, road, poor district and township are hereby empowered to enter or cause to be entered in the prothonotary's office of the proper county, after the expiration of one year from the date of the levy of said taxes, such lien or liens for unpaid taxes as may be deemed necessary, and upon the lien so entered shall have the authority to proceed by scire facias to judgment and the collection of such judgment, with costs, as other judgments are now collected by law. The fees to be paid to the prothonotary for the entry of such tax lien shall be thirty cents for every lien entered, and the said fee for the entry of the lien shall be paid by the person filing the lien, and the amount so paid shall be added to the amount of the tax for which the lien is filed, and the fees for subsequent services shall be the same as those now authorized by law for similar services.

Section 3. That the lien of all county, city, school, borough, road, poor and township taxes, now or hereafter to be levied against real estate within the Commonwealth, shall be divested by the judicial sale of such real estate only to the extent that the amount realized at such sale shall be sufficient to pay the costs of such sale and the said taxes and costs.

Section 4. That it is hereby made the duty of the tax collectors, or other officer having such taxes for collection against any real estate advertised to be sold, and of the county commissioners, proper city, school, borough, road, poor, and township officials, before the said taxes have been given to the said collector for collection, to give notice on or before the day of sale to the officer or person selling any such real estate of the amount of county, city, school, borough, road, poor and township taxes levied against the same and remaining unpaid, and the officer or person selling such real estate shall pay the said taxes out of the proceeds of such sale, in the order such taxes are named in this act, before any other tax, lien, recognizance, mortgage, judgment, obligation, lien or responsibility with which said real estate is or hereafter may become charged shall be paid: Provided, however, That the interests of the widow and heirs charged on real estate,

under proceedings in the orphans' court, shall not be discharged or in any way affected by the passage of this act.

J. P. S. GOBIN,
President of the Senate.
JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 9, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 20, entitled "An act to make county, city, school, borough, road, poor and township taxes a lien on real estate, and to give such lien or liens priority for the period of two years from the time such taxes are levied, in the order named, over any tax lien, recognizance, mortgage, judgment, obligation or responsibility, except the interests of the widow and heirs charged on real estate under proceedings in the orphans' court, but no longer unless the same be entered of record in the prothonotary's office of the proper county in which such real estate is situate, in appropriate tax lien docket or dockets in alphabetical order, against the several persons, firms or corporations against whom the same may be levied or assessed, and making such entry notice to all persons, and providing that such liens shall not be hereafter entered upon the general judgment index; providing the manner of continuing and enforcing such liens, and designating the fees of the prothonotary in connection therewith; providing when such liens shall be discharged by a judicial sale of the real estate so encumbered, and imposing duties upon sheriffs, tax collectors, county commissioners, county, city, school, borough, road, poor and township officials and other persons, in the collection of said taxes."

This bill makes a sweeping change in our present lien laws, and gives priority to county, city, school, borough, road, poor and township taxes over mortgages, judgments, obligations and liens of all kinds. It invades the sanctity of the first mortgage in Pennsylvania and destroys to a certain extent the value of real estate security. Should this bill become a law it would result in placing a first mortgage at a disadvantage, and largely decrease the powers of real estate owners to borrow money on real estate, and increase the rate of interest on the same. It makes what are now regarded in Pennsylvania to be the best securities, namely, first mortgages, secondary to other securities.

The experience in collecting county, city, school, borough, road, poor and township taxes in Pennsylvania is not such as to justify

such a radical change in our lien laws as this bill makes. I believe it would work much greater injury in the depreciation of real estate values to individual owners than it could work good to municipalities. I am opposed to frequent and radical changes in general laws that affect the whole people, unless under circumstances of great necessity. In my judgment there is no such necessity as warrants my concurrence in this bill, and I, therefore, withhold my approval.

WILLIAM A. STONE.

No. 21.

AN ACT

To make active or visiting committees of societies incorporated for the purpose of visiting and instructing prisoners, official visitors of penal and reformatory institutions.

Section 1. Be it enacted, &c., That the active or visiting committee of any society heretofore incorporated and now existing in this Commonwealth for the purpose of visiting and instructing prisoners or persons confined in any penal or reformatory institution and alleviating their miseries, shall be and they are hereby made official visitors of any jail, penitentiary or other penal or reformatory institution in this Commonwealth maintained at the public expense, with the same powers, privileges and functions as are vested in the official visitors of prisons and penitentiaries, as now prescribed by law: Provided, That no active or visiting committee of any such society shall be entitled to visit such jails or penal institutions, under this act, unless notice of the names of the members of such committee and the terms of their appointment is given by such society, in writing, under its corporate seal, to the warden, superintendent or other officer in charge of any such jail or other penal institution: Provided, That the warden, superintendent or inspectors of such institution shall have the right to limit the number of visitors from any such society or association, and to exclude any whom he may deem improper persons to visit as aforesaid, or who may not conform to the regulations for the government of such institution.

W. P. SNYDER,
President pro tempore of the Senate.

JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 9, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 1, entitled "An act to make active or visiting committees of societies incorporated for the purpose of visiting and instructing prisoners, official visitors of penal and reformatory institutions."

This bill makes active and visiting committees of any society heretofore incorporated and now existing in this Commonwealth official visitors to prisoners confined in penal and reformatory institutions.

The wardens of the penal institutions of the State are opposed to this bill becoming a law. They fear that it will interfere with the discipline of their institutions. The prison boards are opposed to it, and they with their wardens enter their protest with me against it. I hesitate to approve a bill which is opposed by men charged with the responsibility of prison discipline, and whose judgment is relied upon as a guide in matters of this kind. They are men of long years of experience. My experience and knowledge of such matters do not warrant me in an action which their judgment condemns. This is not a question of religious visitation or of religious consolation to the inmates of penal institutions. All prisoners confined in the penal institutions of the State may be visited by ministers of their denomination, who may extend religious consolation to them. There is no bar against any denomination or the ministers of any creed.

This bill authorizes societies heretofore incorporated and now existing in this Commonwealth to visit prisoners for the purpose of instructing them. The experience of prison officials and those dealing with prisoners is that non-interference by outside parties is better for the reformation of the prisoners.

I cannot, therefore, in view of the opposition to this bill by those charged with the responsibility by position and by experience, give it my approval.

WILLIAM A. STONE.

No. 22.

AN ACT

To provide for the entering of liens for the better securing the pay of mechanics, laborers and material men, for work and labor done and for material furnished about the erection of any new buildings, and for the repairs and alterations of those already built and to be built.

Section 1. Be it enacted, &c., That any building within the several counties of this Commonwealth, and those to which any additions, al-

terations or repairs may be made, whether already built or hereafter to be built, and so much of the ground adjacent thereto as shall be necessary for the convenient use thereof, shall be subject to and for the payment of all debts contracted for work done, either by contractor, subcontractor, under-workmen or laborers of any kind, and for material furnished for and about the erection, addition, alteration or repairs of the same: Provided, That the lien shall date from the time the work is begun or the time of beginning to furnish the material. And provided also, That every person entitled to such a lien shall file a sworn claim or statement of his demand in the office of the prothonotary in the court of common pleas of the county in which the building may be situated; and that every claim, as aforesaid, must set forth:

I. The names of the party claimant and the owner or reputed owner of the building, and also the contractor, architect or builder, where the contract of the claimant was made with such contractor, architect or builder.

II. The amount or sum of work claimed to be due and the nature or kind of the work done, or the kind and amount of materials furnished, and the time when the materials were furnished or the work done, as the case may be.

III. The locality of the building and the size and the number of the stories of the same, or such other matters of description as shall be sufficient to identify the same.

Section 2. That the provisions of this act shall apply to and bind all leasehold interest to the extent of the lessees interest therein, and the interest of the original owner wherever a reputed owner is in possession of the premises upon which the work is being performed, either with or without a written contract: Provided, That the original owner has either actual or constructive notice of the building, addition, repairs or alterations being made thereon: Provided further, That it shall not apply to persons who are in possession as tenants from year to year, and also that no building shall be liable to the aforesaid lien where the amount claimed does not exceed five dollars.

Section 3. It shall be lawful for the owner of any lot or piece of ground, who may be desirous of erecting, or of contracting with any other person for the erection of any building, as aforesaid, to declare or define, in writing, the boundaries of the lot or curtilage appurtenant to such building, previously to the commencement thereof, and cause the same to be entered in a book aforesaid, and such designation of boundaries, so made and entered upon record, shall be obligatory upon all persons concerned.

Section 4. In default of such designation of boundaries previously to the commencement of any building, it shall be lawful for the owner of such lot or piece of ground, or for any person having a lien upon

the same by mortgage, judgment or otherwise, or entitled to a lien by virtue of this act, to apply by petition, in writing, to the proper court to appoint competent and skillful persons as commissioners, to designate the boundaries aforesaid.

Section 5. It shall be the duty of the court to whom application shall be made, as aforesaid, after reasonable notice given to all parties interested, to appoint such competent persons commissioners, as aforesaid, as all the parties interested shall nominate; but, if the parties cannot agree upon a nomination, it shall be lawful for the court to appoint such competent persons for that purpose as they shall think proper.

Section 6. It shall be the duty of the commissioners so appointed to examine the building or place at which such building is being erected, and to make report to the court in pursuance of the order to them directed, and in such report they shall sufficiently designate and describe by metes and bounds, with their courses and distances, and by a draft if necessary, the limits and the extent of the ground necessary for the convenient use of such building for the purpose for which it was designed; and such report shall enter at length upon the record book aforesaid, and, if approved by the court, shall be conclusive upon all persons concerned.

Section 7. Every such debt shall be a lien, as aforesaid, until the expiration of six months after the work shall have been finished, or the last item of the material shall have been furnished, although no claim shall have been filed therefor, but such lien shall not continue longer than said period of six months, unless a claim be filed as aforesaid, at or before the expiration of the same period.

Section 8. The lien of every such debt, for which a claim shall have been filed as aforesaid, shall expire at the end of five years from the day on which such claim shall have been filed, unless the same shall be revived by scire facias, in the manner provided by law in the case of judgments, in which case such liens shall continue, in like manner, for another period of five years, and so from one such period to another, unless such lien shall be satisfied, or the same be extinguished by a sheriff sale, or otherwise according to law.

Section 9. Nothing in this act contained shall be construed to impair, or otherwise affect, the rights of any person, to whom any debt may be due for the work done or material furnished, to maintain any personal action against the owner of the building, or any other person liable therefor, to recover the amount of such debt.

Section 10. The lien for work and materials as aforesaid shall be preferred to every other lien or encumbrance which attached upon such building and ground, or either of them, subsequently to the commencement of such building.

Section 11. The several provisions of this act to extend to wharf builders, and all concerned in making and constructing them; to paper hangers, plumbers and painters.

Section 12. The provisions of this act shall extend to every steam engine, coal breaker, or parts thereof; pump gearing, hoisting gearing, fixtures or machinery, in or about mills of any kind, iron or coal works, coal mines and iron mines.

Section 13. It shall and may be lawful, in every such case, for the person so finding and providing materials as aforesaid, for two or more adjoining houses and other buildings, built by the same person, owner of the same, and debtor for the said materials, to file with his claim thereof an apportionment of the amount of the same among the said houses and other buildings, shall be subject to the payment of its said apportioned share of the debt contracted, in the same manner as is provided by law in other cases.

Section 14. The several laws of this Commonwealth authorizing an apportionment of the amount due for materials furnished to two or more buildings, owned by the same person, among the said buildings, shall extend to and shall authorize in similar cases an apportionment for work done, and for work done and materials furnished, where the same are furnished under one contract, as fully and in the same manner as is now authorized and allowed in the case of materials furnished.

Section 15. In every case in which one claim for materials shall be filed by the person preferring the same against two or more buildings, owned by the same person, the person filing such joint claim shall at the same time, designate the amount which he claims to be due to him on each of such buildings, otherwise such claim shall be postponed to other lien creditors, and the lien of such claimant shall not extend beyond the amount so designated, as against other creditors having liens by judgment, mortgage, or otherwise.

Section 16. It shall be lawful for any mechanic, laborer or material man, in filing a lien as hereinbefore specified, to include in the same both material furnished and labor done.

Section 17. Every claimant having a claim filed for work or materials, or both, who shall afterwards proceed to perform further work, or furnish other materials, or both, may make suggestions thereof on the same record, and filing a statement of the amount and particulars thereof, which may be recovered with the original claim under the writ, but if the original claim shall have been sued out, then a separate scire facias may be issued for the supplemental claim.

Section 18. In all cases where a claim is filed, or shall hereafter be filed, under the provisions of this act, in which too many persons are, by mistake, included as claimants, owners or reputed owners, con-

tractors, architects or builders, it shall be lawful for the court of common pleas of the proper county, and the district court of the proper district, having jurisdiction, in which such claim shall be filed, to permit an amendment of the same, by striking thereout the names of all such persons as may, by mistake, be included therein: Provided, That nothing in this section shall be construed or held to apply to cases in which verdicts or judgments have been or may be entered prior to the passage hereof.

Section 19. In case of any mechanic's claim or lien, filed according to existing laws, in any county of this Commonwealth, the court having jurisdiction in such case is hereby authorized and required, in any stage of the proceeding, to permit amendments conducive to justice and a fair trial upon the merits, including the changing, adding and striking out the names of claimants, and by adding the names of owners and contractors respectively, whenever it shall appear to such court that the names of the proper parties have been omitted, or that a mistake has been made in the names of such parties, or too many or not enough have been joined in such case, but the same shall not affect the rights of lien creditors or purchasers.

Section 20. It shall be the duty of the prothonotary of the court of common pleas of every county, to which the provisions of this act extend, to procure and keep a book or docket, which shall be called "The Mechanics' Lien Docket," in which he shall cause to be entered and recorded all descriptions or designations of lots, or pieces of ground, as hereinbefore mentioned, and all claims that may be filed by virtue of this act, together with the day of filing the same, and he shall cause the names, as well of the owner of the lot or piece of ground, as of the contractor, builder or architect, if such be named, and of any person claiming any lien under this act, to be alphabetically indexed therein.

Section 21. The proceedings to recover the amount of any claim as aforesaid shall be by a writ of scire facias, in the following form, viz:

County, ss.

The Commonwealth of Pennsylvania.

To the Sheriff of said county,

Greeting:

Whereas ———————— hath filed a claim in our ———————— (court) for the county of————against————, for the sum of of ————, for (work done or materials furnished, as the case may be), to (or for) a certain building, to-wit (describing it as in the claim): And whereas, it is alleged that the said sum still remains due and unpaid to the said ————; now we command you, that you make known to the said, ———————— and to all such persons as may hold or occupy the said building, that they be and appear before the judges of our court, at a court of ————, to be held

at ————, on the ———— of ———— next, to show, if anything they know or have to say, why the said sum of ———— should not be levied of the said building, to the use of the said ————, according to the form and effect of the act of Assembly in such case made and provided, and if to them it shall seem expedient, and have you then and there this writ; witness.

Section 22. No such scire facias shall in any case be issued, within fifteen days previous to the return day of the next term. And that the defendant in the judgment taken on any scire facias, issued upon the lien aforesaid, shall not be entitled to the benefit of any exemption laws now in force, or the right of inquisition as provided on ordinary judgments.

Section 23. The writ of scire facias aforesaid shall be served in the same manner as a summons, upon the defendant therein named, if he can be found within the county, and a copy thereof shall also be left with some person residing in the building, if occupied as a place of residence, but if not so occupied, it shall be the duty of the sheriff to affix a copy of such writ upon the door, or other front part of such building.

Section 24. All proceedings under this act, to enforce the collection of claims, shall be as is now provided by law in case of mechanics' liens, except that, in case no person can be found upon whom service can be made of the writ of scire facias, service shall be had, in addition to posting a copy of the writ on the most public part of the premises, by publication of the same in two newspapers published in said county, which publication shall be made in one daily paper, and one weekly, if there be such, within the jurisdiction of the court.

Section 25. Upon the return of such writ, it shall be lawful for any other person, having filed a claim as aforesaid, to cause to be entered on the record of the same suit, a suggestion, setting forth the amount and nature of his demand, and thereupon he may have a rule upon the defendant to appear and plead thereto, as in other actions.

Section 26. If the defendant shall appear and plead to such suggestion, and issue, either in fact or law, be joined upon any plea, such particular issue shall be tried and determined as in other cases; if the defendant shall not plead to such suggestion after due notice, judgment shall be entered for the claimant filing the same, and the amount of the claim shall be ascertained as in other cases.

Section 27. The execution for every such judgment shall be by a writ of levari facias, in the following form:

County, ss.

The Commonwealth of Pennsylvania.

To the Sheriff of said county,

Greeting:

We command you, that without any other writ from us, of the following described building, and lot of ground, of A. B. to-wit: (describ-

ing the same according to the record), in your bailiwick, you cause to be levied, as well a certain debt of ————, which C. D. lately in our court of common pleas for the county aforesaid, by the consideration of the said court, recovered of the said A. B., to be levied of the said building and lot of ground, as also the interest thereon from the ———— day of ———— Anno Domini ————; also, the further sum of ————, which E. F. lately, in our said court for the county aforesaid, by the consideration thereof, recovered of the said A. B., to be levied of the said building and lot of ———— ground, as also the interest thereon from the ———— day of ————, Anno Domini ———, amounting in the whole to the sum of ————, and also the sum of ————, for the costs which accrued thereon, according to the form and effect of an act of Assembly of the Commonwealth of Pennsylvania, in such case made and provided, and have you these moneys before our judges at ————, at our county court of common pleas, there to be held on the ———— day of ———— next, to render unto the said C. D., for his debt, interest and costs aforesaid, and have you then there this writ, et cetera.

Section 28. If execution shall be awarded for the levy and sale of any lot or piece of ground upon which a building shall be erected as aforesaid, before the boundaries of the lot or curtilage which ought to be appurtenant thereto shall be designated, it shall be lawful for the court, upon application, to stay such execution until such designation shall be made, and thereupon order the sale to proceed, in such manner, and for such part or parts, and in such parcels, as shall be most convenient for the administration of equity among all persons interested.

Section 29. If the proceeds of such building and ground, as aforesaid, shall not be sufficient to pay the full amount of all debts due as aforesaid, for work done and materials furnished, after deducting therefrom any prior liens upon the same, then such debts shall be averaged, and the creditors aforesaid shall be paid in proportion to their respective demands.

Section 30. If the building against which any claim shall be filed as aforesaid, or any part of the ground adjacent thereto, shall be sold by virtue of an execution, upon any mortgage or judgment, before the extent of the lien of the claimant shall be ascertained, as aforesaid, the court out of which such execution shall have issued, shall have power to determine the rights of the respective parties, and the apportionment or appropriation of all liens as aforesaid, and for that purpose may appoint an auditor to inquire into and report the facts, and may decree distribution of the proceeds accordingly, or upon the application of any of the parties, may direct an issue for the determination of disputed facts.

Section 31. In all cases where any claim or claims has or have been filed, or shall hereafter be filed, the legal or equitable owner or owners of the buildings or dwelling houses bound thereby, or any person interested, may apply to the court, on the proper docket of which the same is or are filed, by petition, setting forth the facts; which said court shall order an issue to be formed and tried, to ascertain if any, and what sum is due upon such claim or claims, and shall have power to make orders in relation to such issue, and the mode of trying the same, and the costs thereof, as fully as any court of equity might or could do, in relation to any issue ordered by such court of equity.

Section 32. In all liens now filed, or upon the filing of any lien hereafter for materials furnished or work and labor done, it shall be lawful for the owner of the premises against which the same shall be filed, to move for a rule on the claimant to sue out a writ of scire facias to the next monthly return day; if the rule shall be made absolute by the court, it shall be lawful for any party to appear and defend the same as now authorized by law as to writs of scire facias; and if said claimant shall not issue a scire facias in obedience to the rule, the court on motion shall strike the lien from the record.

Section 33. In every cases in which any claim shall be filed against any building as aforesaid, and no scire facias shall have issued thereon, it shall be lawful for the owner of such building, or any person interested therein, to apply, by petition, to the court in which such claim shall be filed, setting forth the facts, whereupon such court may grant a rule upon the party claimant, and others interested, to appear in court, at a time to be fixed for such purpose, and on the return of such rule, may proceed in like manner as if a scire facias has been issued by such claimant, and had been duly served and returned.

Section 34. The security hereinafter to be prescribed by the court having jurisdiction of any mechanics' claim, shall be a bond and warrant of attorney in double the amount of the claim to be executed by the defendant or defendants in said claim, and by one surety to be approved by the said court, who shall be an owner of real estate, worth over and above all incumbrances double the amount of the said claim, upon which bond judgment shall be immediately entered in said court: Provided however, That the lien of the said bond shall be confined to the particular real estate offered and approved by the said court as security. Whenever security is given, as aforesaid, the premises bound by the lien shall be discharged.

Section 35. The remedy for the recovery of said claim for which security has been entered as aforesaid, shall be by writ or writs of scire facias thereon, in the manner now prescribed by law, and upon final judgment thereon, execution by writ of levari facias shall imme-

diately issue against the real estate so substituted as security for the collection of the amount of said judgment.

Section 36. Whenever the owner of any building, subject to the lien as aforesaid or any person interested therein, desires to have the same released from the lien therof, he or they may pay into court the amount claimed in said lien, together with the interest and an amount sufficient to cover the costs thereon, and the court of common pleas shall make an order directing that the same may be discharged from the operation of the said lien, and whenever any question is raised concerning the validity of said claim, the court shall have the power to direct an issue to be formed for trying any question of fact concerning the same, and that the judgment obtained, if any, shall be paid out of the amount paid into court as aforesaid.

Section 37. In every case in which the amount of any claim as aforesaid shall be paid or otherwise satisfied, it shall be the duty of the claimant, or his legal representative, at the request of the owner of the building, or of any other person interested therein, and on payment of the costs, to enter satisfaction on the record of such claim in the office of the prothonotary of the court in which such claim shall have been entered, which shall forever thereafter discharge and release the same.

Section 38. If any person, who shall have received satisfaction as aforesaid, shall neglect or refuse to enter satisfaction of such claim, as aforesaid, within sixty days after request and payment of the costs of suit as aforesaid, he shall forfeit and pay to the party aggrieved any sum not exceeding one-half of the amount of such claim, to be recovered as debts of like amount are recoverable.

Section 39. From and after the filing of any claims under the provisions of this act as aforesaid, it shall not be lawful for any owner or owners, contractor or contractors, lessee or lessees, tenant or tenants, of any property named or described in such statement of claim, or their assigns or sub-lessees, to remove or attempt to remove the same from such lot or parcel of land, while the said claim remains unpaid, pending and undetermined.

Section 40. No contract made, stipulating against the filing of liens by mechanics, laborers or material men, shall be valid, unless put in writing, and expressly covenanting against the same, and signed by the parties thereto prior to the time of the commencement of the labor and the furnishing of the material therefor, and the same shall be recorded in the prothonotary's office in the county where the building is located in a mechanic's lien docket and be indexed, making the contractor the plaintiff and the owner the defendant, as mechanics' liens are now indexed, prior to the commencement of the said work and the furnishing of the material.

Section 41. All laws or parts thereof inconsistent herewith be and the same are hereby repealed.

W. P. SNYDER,
President pro tempore of the Senate.

JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 11, 1899.

I herewith file, in the office of the Secretary of the Commonwealth, with my objections thereto, Senate bill No. 306, entitled "An act to provide for the entering of liens for the better securing the pay of mechanics, laborers and material men, for work and labor done and for material furnished about the erection of any new buildings, and for the repairs and alterations of those already built and to be built.

This bill is intended to cover the whole subject of mechanics' liens. It makes radical and sweeping changes in the present law on this subject. It was passed during the last days of the legislative session without much, if any, public discussion thereon. I very much doubt the wisdom of enacting a new law on this important subject without more mature deliberation on the part of the many interests concerned. None of our statutes affects more varied interests than a mechanic's lien law, and changes, in my judgment, should not be made without very careful consideration. I am not prepared at this time to give my approval to the present bill. Our mechanic's lien law needs amendment perhaps, and I have no doubt that at the next session of the Legislature the whole subject can be considered fully and in a way to give very general satisfaction to our entire people.

WILLIAM A. STONE.

No. 23.

AN ACT

To amend the sixth section of an act, entitled "An act for the greater certainty of title and more secure enjoyments of real estate," approved twenty-second April, one thousand eight hundred and fifty-six, wherein it relates to implied and resulting trusts in favor of married women.

Section 1. Be it enacted, &c., That section six of the act twenty-second April, one thousand eight hundred and fifty-six, here repeated for amendment, as follows:

"No right of entry shall accrue or action be *instituted* for a specific performance of any contract for the sale of any real estate, or for damages for non-compliance with any such contract, or to enforce any equity of redemption after re-entry made for any condition broken, or to enforce any implied or resulting trust as to realty, but within five years after such contract was made or such entry or trust accrued, *with the right of entry*, unless such contract shall give a longer time for its performance, or there has been in part a substantial performance, *or* such contract, equity of redemption or trust shall have been acknowledged by writing to subsist by the party to be charged therewith within the same period: Provided, That as to any one affected with a trust by reason of his fraud, the said limitation shall begin to run only from the discovery thereof, or when by reasonable diligence the party defrauded might have discovered the same; but no *bona fide* purchaser from him shall be affected thereby or deprived of the protection of the said limitation: And provided further, *That any person who would be sooner barred by this section shall not be thereby barred for two years from the date hereof*," shall be amended to read as follows:

No right of entry shall accrue or actions be *maintained* for a specific performance of any contract for the sale of any real estate, or for damages for non-compliance with any such contract, or to enforce any equity of redemption after re-entry made for any condition broken, or to enforce any implied or resulting trust as to realty, *or any interest therein by reason of the payment of any part of the purchase money whether by a married woman or not and in possession or not*, but within five years after such contract was made or any such equity or trust accrued, unless such contract shall give a longer time for its performance, or there has been in part a substantial performance *of* such contract, equity of redemption or *said* trust shall have been acknowledged by writing to subsist by the party to be charged therewith, *and recorded in the recorder of deeds office* within the same period: Provided, That as to any one affected with a trust by reason of his fraud, the said limitation shall begin to run only from the discovery thereof, or when by reasonable diligence the party defrauded might have discovered the same; but no *bona fide* purchaser from him shall be affected thereby or deprived of the protection of the said limitation. And provided further, *That this act shall apply to all secret and resulting trusts which have accrued for five or more years before the passage of this act, unless they be acknowledged, by writing, to subsist by the party to be charged therewith, and recorded within one year after the passage of this act. And provided further, That nothing in this act shall relate to or protect the title of any attorney-at-law to any lands purchased by him, or for his client, as pro-*

vided by section one, act twenty-seventh March, one thousand eight hundred and sixty-five, pamphlet laws fifty-six.

J. P. S. GOBIN,
President of the Senate.
JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 11, 1899.

I file herewith, in the office of the Secretary of the Commonwealth; with my objections thereto, Senate bill No. 46, entitled "An act to amend the sixth section of an act, entitled 'An act for the greater certainty of title and more secure enjoyments of real estate,' approved twenty-second April, one thousand eight hundred and fifty-six, wherein it relates to implied and resulting trusts in favor of married women."

This bill is intended to amend Section 6 of the act of April 22d, A. D. 1856, wherein it relates to implied and resulting trusts in favor of married women. The act in question is well understood and has received the sanction of the legal profession for upwards of fifty years, and I very much doubt the propriety of modifying it as suggested in this bill. It is not entirely clear what this measure is intended to remedy. The second proviso would seem to make its provisions retroactive, and its purpose is to change the status of cases existing prior to its passage. Retroactive legislation should always receive careful scrutiny, and when intended to interfere with vested rights should not be approved unless in the interests of the general public. This bill has all the ear-marks of a general law, but drawn to cover a particular case. Such legislation is now viewed with favor. I therefore withhold my approval.

WILLIAM A. STONE.

No. 24.

AN ACT

Empowering cities to grade, pave, curb, macadamize and otherwise improve public streets and alleys, or parts thereof, without petition of property owners, and providing for the collection of the costs, damages and expenses thereof, and the appointment of viewers thereon, and the proceedings of said viewers and their compensation.

Section 1. Be it enacted, &c., That all cities in this Commonwealth shall have power, without petition of property owners, to grade, pave, curb, macadamize, and otherwise improve any public street or public

alley, or part thereof, within their corporate limits, and the costs, damages and expenses thereof shall be ascertained and assessed upon properties specially benefited thereby, as hereinafter provided.

Provided, The ordinance or ordinances authorizing and directing such improvement shall be adopted and enacted by the affirmative vote of three-fourths of the members elect composing the councils of the particular city so authorizing such improvement, and shall be approved by the mayor thereof. No such ordinance shall be finally adopted and enacted in a less period than thirty days from the date of its introduction, and in the meantime copies of the same shall be published in each of the official newspapers of such cities at least once a week for two consecutive weeks, and in case any such city shall have no official newspaper or newspapers, then such publication shall be made in at least two weekly newspapers, published in the county in which such city may be situate, once a week for two weeks.

Section 2. Upon petition by such city, or by any party interested in such improvement, to any court of common pleas of the county within which the city may be situate, three disinterested free holders shall be appointed by said court as viewers, who, having been duly sworn to perform the duties imposed upon them, shall view the improvement and the premises affected thereby, hear all parties interested who may desire to be heard, and ascertain and determine the damages, costs and expenses of the improvement. They shall then assess the damages, costs and expenses, so ascertained and determined, upon all properties specially benefited by the said improvement according to their benefits, and in case sufficient benefits cannot be found the excess of damages, costs and expenses over the total amount of special benefits shall be assessed against the city authorizing such improvement.

Section 3. The said viewers shall make report to court, from which any party interested may appeal, or file exceptions thereto, within thirty days from the time of filing said report, and having so appealed shall be entitled to a trial by jury on the question of damages or benefits to the property included in such appeal. Any party interested may appeal to the Superior or Supreme Court, as the case may be.

Section 4. The said report, at the expiration of thirty days from the time of filing the same, shall be confirmed absolutely by the court, if no exceptions thereto nor appeal therefrom be taken. In case of exceptions, the same shall be disposed of by the court before final order on the report; and in case of appeal or appeals, the court shall have power to confirm absolutely, or make such final order on the report as it may deem proper, excepting thereout the property embraced in the appeal or appeals.

Section 5. The said viewers shall have power to administer oaths or affirmations to witnesses. Any two of the viewers may decide all questions, and in all respects have all the powers, discretion and jurisdiction of all three viewers; but all three viewers shall act unless in case of sickness or other unavoidable cause.

Section 6. The said viewers shall give at least ten days notice of the time and place of their first meeting, by publication in one or more newspapers published in the city wherein the improvement is made, or in the county in which the city is situate, if there be no newspaper published in said city, and by at least ten handbills posted upon the line of the improvement, and upon the filing of their report in court, notice thereof shall be given by publication at least once in the newspaper or newspapers publishing the notice of the time and place of their first meeting. The notice of the filing of the report shall contain a schedule of the damages and benefits as shown therein, and shall further state that, unless exceptions thereto be taken within thirty days from the date of filing, the said report will be confirmed absolutely.

Secvtion 7. All assessments of special benefits shall bear interest at the expiration of thirty days after they shall have been finally ascertained and fixed, and shall be payable to the treasurer or other proper officer of the city.

Section 8. The costs of the viewers proceedings, and all court costs incurred in said proceedings, including the costs of appeals therefrom, shall be charged to and paid by the city. Each of said viewers shall be entitled to be paid an amount not exceeding five dollars per day for each day employed.

J. P. S. GOBIN,
President of the Senate.
JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 11, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 56, entitled "An act empowering cities to grade, pave, curb, macadamize and otherwise improve public streets and alleys, or parts thereof, without petition of property owners, and providing for the collection of the costs, damages and expenses thereof, and the appointment of viewers thereon, and the proceedings of said viewers and their compensation.

The approval of this bill is made unnecessary by a decision of the Supreme Court, very recently rendered, in which the Constitutionality of the act of May 22, 1895, is sustained.

This bill was prepared by the solicitors of Pittsburgh and Allegheny while a case in the Supreme Court was pending, and before a decision had been reached, with a view of a possible adverse decision, and they now desire me to disapprove it for the reason that, under the decision of the Supreme Court referred to sustaining the act of May 22d, 1985, which is similar in nearly all respects to the bill now before me, the approval of the bill is not required, and I therefore withhold my approval from said bill.

WILLIAM A. STONE.

No. 25.

AN ACT

Supplementary to an act, entitled "An act to authorize incorporated companies to invest and reinvest surplus funds in mortgages, stocks and other securities, and fixing the time for holding elections for directors," approved March thirty-first, one thousand eight hundred and sixty-eight.

Section 1. Be it enacted, &c., That section 1 of the act, entitled "An act to authorize incorporated companies to invest and reinvest surplus funds in mortgages, stocks and other securities, and fixing the time for holding the elections for directors," approved March thirty-first, one thousand eight hundred and sixty-eight, which said section reads as follows:

"That it shall and may be lawful for any and all companies incorporated or organized under the laws of this Commonwealth, including those authorized thereby, to transport mechandise or other property, and also for the directors, managers or trustees thereof, *with th approval of the stockholders*, to invest the surplus or other funds or earnings of such companies in mortgages on improved real estate, in ground rents, in the loans of the United States, in the purchase from holders thereof any of the shares of the capital stock of the respective company, and also in the public debt of the State of Pennsylvania, or of the city of Philadelphia, or in other *good* stocks or securities, and to sell and transfer the same, and to reinvest the proceeds of such sales in securities or stocks of like kind, and to prescribe, by resolution of the directors, or the by-laws of the company, or otherwise, the mode of making such investments, purchases and sales, *with the approval of the stockholders*, and the amount or amounts thereof to be purchased, and the price or prices to be paid or received therefor, and the reinvestment of the proceeds thereof, and to make such compensation as the said directors, managers or trustees may deem proper to any director, manager, trustee, treasurer or other agent or officer

of such company, for the keeping, receiving, paying, investing or reinvesting of any of the moneys belonging to the said company, or for any other services performed by him or them as agents of the company or otherwise; and that any such companies may change and fix the time of holding their annual election for directors to such a day as they may select, a certificate of such change, duly authenticated by the proper officers of the company, shall be filed with the Auditor General of this Commonwealth within thirty days after such change shall have been made," shall be and the same is hereby amended so as to read as follows:

That it shall and may be lawful for any and all companies incorporated or organized under the laws of this Commonwealth, including those authorized thereby to transport merchandise or other property, and also *those which have been or may be incorporated under, or shall have accepted the provision of "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, one thousand eight hundred and seventy-four, and including all banks and banking companies incorporated under the laws of this Commonwealth*, and also for the directors, managers or trustees thereof to invest the surplus or other funds or earnings of such companies in mortgages on improved real estate, in ground rents, in the loans of the United States, in the purchase from the holders thereof *of* any of the shares of the capital stock of the respective company, and also in the public debt of the State of Pennsylvania, or of the city of Philadelphia, or in other stocks or securities, and to sell and transfer the same, and to reinvest the proceeds of such sales in securities or stocks of like kind, and to prescribe, by resolution of the directors or the by-laws of the company, or otherwise, the mode of making such investments, purchases and sales, and the amount or amounts thereof to be purchased, and the price or prices to be paid or received therefor, and the reinvestment of the proceeds thereof, and to make such compensation as the said directors, managers or trustees may deem proper to any director, manager, trustee, treasurer or other agent or officer of such company, for the keeping, receiving, paying, investing or reinvesting of any of the moneys belonging to the said company, or for any other services performed by him or them as agents of the company, or otherwise; and that any such companies may change and fix the time of holding their annual election for directors to such a day as they may select. A certificate of such change, duly authenticated by the proper officers of the company, shall be filed with the Auditor General of this Commonwealth within thirty days after such change shall have been made: *Provided, That such change shall not take effect until such certificate has been filed.*

Section 2. *All acts and parts of acts inconsistent herewith be and the same are hereby repealed.*

J. P. S. GOBIN,
President of the Senate.

JOHN R. FARR,
Speaker of the House of Representatives.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 12, 1899.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections thereto, Senate bill No. 181, entitled "An act supplementary to an act entitled 'An act to authorize incorporated companies to invest and reinvest surplus funds in mortgages, stocks and other securities, and fixing the time for holding elections for directors,' approved March thirty-first one thousand eight hundred and sixty-eight."

This bill, as originally introduced, and as the title clearly indicates, was intended only as an amendment to the act of March 31st, A. D. 1868, which authorized incorporated companies to invest and reinvest surplus funds in mortgages, stocks and other securities, under certain limitations and restrictions therein set forth. The act of 1868 did not apply to banks and banking institutions, and it evidently was not the intention of the authors of this bill to have the proposed law apply to banking institutions, but on its passage through the Legislature it was amended so as to include all banks and banking companies incorporated under the laws of this Commonwealth.

So radical a change in our banking laws should not be made without the fullest discussion. Our State has always been conservative in laws regulating the control of banks, and has, up to this time, refused to permit such institutions to buy and sell stocks, bonds and other doubtful securities for purposes of speculation or investment. If this bill should become a law it would open wide the doors of all banking institutions in making investments in securities of almost every character. I am not convinced that this radical change in the law relating to banks is meritorious or that it is in the interest of the people of the State who are depositors in banking institutions. The title to the act does not give any notice of the fact that it is intended to apply to banking institutions, and for this reason it is my opinion that the title does not give proper notice of the subject matter of the bill. Several other objections have been and can be urged against the proposed legislation, and I therefore withhold my approval.

WILLIAM A. STONE.

No. 26.

AN ACT

To provide for an additional law judge of the several courts of the Sixth judicial district.

Section 1. Be it enacted, &c., That in addition to the judge provided for in an act, entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution, and to provide for the election, appointment and commissioning of judges learned in the law for the said districts in cases where such judges are not provided for by the existing law," approved the twelfth day of June, Anno Domini one thousand eight hundred and ninety-five, an additional law judge is hereby authorized and provided for the several courts of the sixth judicial district, who shall possess the same qualifications which are required by the Constitution and laws for the president judge of said district, and who shall hold his office for a like term and by the same tenure, and shall have the same powers, authority and jurisdiction, and shall be subject to the same duties, restrictions and penalties, and shall receive the same compensation as the president judge of said district.

Section 2. At the next general election after the passage of this act, the qualified electors of the said sixth judicial district shall elect, in the same manner prescribed by law for the election of a president judge, a competent person, learned in the law, to serve as additional law judge in said district. Vacancies in the office hereby created, whether caused by death, resignation, expiration of term or otherwise, shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge.

Section 3. The Governor is hereby authorized to appoint some competent person, learned in the law, as such additional law judge of said judicial district until the first Monday in January succeeding the general election.

JOHN R. FARR,
Speaker of the House of Representatives.

J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 13, 1899.

I file herewith, without my approval, in the office of the Secretary of the Commonwealth, House bill No. 468, entitled "An act to provide for an additional law judge of the several courts of the Sixth Judicial District."

The only question for me to consider in this matter is whether an additional law judge in the county of Erie is necessary for the proper dispatch of the legal business of the courts. A number of the leading lawyers of that county have, in writing, stated that in their judgment an additional law judge in Erie county is unnecessary. The commissioners of the county and other county officials have also informed me that they regard it unnecessary.

In the face of this opinion of so respectable a number of the attorneys of that county and some of the county officials, I cannot give my approval to the bill. The fact that the question of the necessity of an additional judge is disputed by so considerable a number of the reputable citizens of Erie county who, from their positions in the county are qualified to advise upon this question, is sufficient justification for me to withhold my approval.

Under the law pertaining to judges of the courts of common pleas of the different counties of the State, a judge of any county may call to his assistance the judge of any other county in the State when the business before his court demands it. This practice is frequently resorted to by the judges in the State, and there is no difficulty in finding other judges who are not so pressed with business in their counties as to interfere with their assisting a neighboring judge.

Recognizing the growing population in Erie county, and the apparent demand for an additional judge, I am not yet fully persuaded that the time has arrived when necessity demands an additional judge, and, therefore, withhold my approval from said bill.

WILLIAM A. STONE.

No. 27.

AN ACT

To amend the eighteenth paragraph of section second of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, so as to authorize the formation of corporations for any lawful purpose not otherwise specifically provided for by act of Assembly.

Section 1. Be it enacted, &c., That the eighteenth paragraph of section two of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, which reads, as amended by the act approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-three, as follows:

"Paragraph eighteen. The carrying on of any mechanical, mining, quarrying or manufacturing business, including all of the purposes covered by the provisions of the acts of the General Assembly, entitled 'An act to encourage manufacturing operations in this Commonwealth,' approved April seventh, one thousand eight hundred and forty-nine, entitled 'An act relating to corporations for mechanical, manufacturing, mining and quarrying purposes,' approved July eighteenth, one thousand eight hundred and sixty-three, and the several supplements to each of said acts, including the incorporation of grain elevators, storage house and storage yard companies; and also including companies for the storage, transportation and furnishing of water, with the right to take rivulets and land, and erect reservoirs for holding water for manufacturing and other purposes, and for the creation, establishing, furnishing, transmission and using of water power therefrom, the construction of dams in any stream, and the driving and floating of saw logs, lumber and timber on and over any stream not exceeding thirty-five miles in length, *and the heads of all streams not exceeding thirty-five miles in length* from their source, by the usual methods of driving and floating logs, timber and lumber on streams, and so as not to obstruct the descending navigation by rafts and boats, and also including the manufacture and brewing of malt liquors, *but excluding* the distilling and manufacture of *spirituous liquors*," be and the same is hereby amended and extended to read as follows:

Paragraph 18. The carrying on of any mechanical, mining, quarrying or manufacturing business, including all of the purposes covered by the provisions of the acts of the General Assembly, entitled "An act to encourage manufacturing operations in this Commonwealth," approved April seventh, one thousand eight hundred and forty-nine, entitled "An act relating to corporations for mechanical, manufacturing, mining and quarrying purposes," approved July eighteenth, one thousand eight hundred and sixty-three, and the several supplements to each of said acts, including the incorporation of grain elevators, storage house and storage yard companies, also including companies for the storage, transportation and furnishing of water, with the right to take rivulets and land and erect reservoirs for holding water for manufacturing and other purposes, and for the creation, establishing, furnishing, transmission and using of water power therefrom, the construction of dams in any stream, and the driving and floating of saw logs, lumber and timber on and over any stream not exceeding thirty-five miles in length from their source, by the usual methods of driving and floating logs, timber and lumber on streams, and so as not to obstruct the descending navigation by rafts and boats. Also including the manufacture and brewing of

malt liquors, *and also including companies for the transaction of any lawful business not otherwise specifically provided for by act of Assembly*, and *including* the distilling or manufacture of *intoxicating liquors: Provided however, That no corporation shall be chartered under this amendment with authority to transact more than one kind of business, which must be set forth in the charter. And provided further, That if it shall be legally proven that any corporation chartered under the provisions of this amendment shall have entered into a trust or combination, such action shall work a forfeiture of all rights and privileges conferred upon it by such charter, and said charter shall be declared and become null and void.*

JOHN R. FARR,
Speaker of the House of Representatives.
J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 15, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 389, entitled "An act to amend the eighteenth paragraph of section second of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the 29th of April, A. D. 1874, so as to authorize the formation of corporations for any lawful purpose not otherwise specifically provided for by act of Assembly."

The bill is wholly unobjectionable, and its passage desired for the reason that it would undoubtedly increase the revenue of the State to some extent. It authorizes the chartering of corporations for any legitimate purpose and removes the obstacles to the organization of business associations. I would gladly approve this bill were it not for the circumstances attending its passage. As the bill passed the Legsilature it excluded the formation of corporations for the distilling or manufacture of intoxicating liquors. After the bill had passed the Legislature, some one changed the word "excluding" to the word "including," and it came to me in that form. To approve this bill would simply be to approve a bill which never passed the Legislature, and my attention having been called to it, and such investigation as I have been able to make leading me to believe that the charge is true, I withhold my approval.

WILLIAM A. STONE.

No. 28.

AN ACT

Making an appropriation to the trustees of the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania at Fountain Springs, near Ashland, Schuylkill county.

Section 1. Be it enacted, &c., That the following sums, or so much thereof as may be necessary, be and the same are hereby specifically appropriated to the trustees of the State Hospital for Injured Persons in the Anthracite Coal Region of Pennsylvania, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the following purposes, namely:

Appropriation.

For the salaries of officers and employes and for the support and maintenance of the institution, the sum of eighty thousand dollars, or so much thereof as may be necessary.

This item approved for the sum of $78,000.

Salaries and maintenance.

For insurance, for the two years, the sum of one thousand dollars, or so much thereof as may be necessary.

$1,000 for insurance.

For dynamo, wiring, switches, shades, and lamps for the entire institution, and the purchase of ten additional electric fans and placing same, the sum of one thousand five hundred dollars, or so much thereof as may be necessary.

$1,500 for dynamo, wiring, etc.

For the erection and completion of a ward for men burned by mine explosions, and for completely furnishing the proposed new ward for burned patients, the sum of eight thousand dollars, or so much thereof as may be necessary. The plans and specifications of said ward building to be drawn under the supervision of the board of trustees of the State Hospital, and approved by the State Board of Public Charities, and shall be of the best design for the construction of such an institution without expensive architectural adornments, and as nearly fireproof as possible, and no changes to be made in said plans of construction without the consent of the Board of Public Charities.

This item approved for the sum of $2,000.

For renewing furniture, carpets, beds and bedding, the sum of one thousand dollars, or so much thereof as may be necessary.

$1,000 for furniture, etc.

For horizontal engine and foundations for electric system, the sum of one thousand dollars, or so much thereof as may be necessary.

$1,000 for engine and foundation.

For new ambulance with rubber tires, the sum of two hundred and fifty dollars, or so much thereof as may be necessary.

$250 for ambulance.

Provided, That the trustees shall after the passage of this act, for three consecutive weeks, and yearly thereafter for the same length of time, commencing on the first Monday of September, advertise in three newspapers of general circulation for bids to furnish all

Trustees shall advertise for bids to furnish all needed supplies.

needed supplies for the year beginning January first next ensuing. Said trustees shall furnish promptly, on application, to all persons desiring to bid, an itemized list of the kind and probable amount required. The board of trustees shall at a stated meeting open such bids, and award the contract for supplies to the lowest responsible bidder, taking such security for the faithful performance of such contract as they deem necessary. Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

Itemized list to be furnished bidders.

Contract to lowest responsible bidder.

How payable.

May 12th, 1899.—This bill is approved for the sum of $84,750. I withhold my approval from the sum of $6,000 of the item which provides for the erection and completion of a ward for men burned by mine explosions and for completely furnishing the same, and also withhold my approval from the sum of $2,000 of the item which provides for maintenance.

This action is necessary owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 29.

AN ACT

Making an appropriation to the Pennsylvania Soldiers' and Sailors' Home at Erie.

Appropriation for maintenance.

Approved for $100,000.

Section 1. Be it enacted, &c., That the sum of one hundred and seventy-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Soldiers' and Sailors' Home at Erie, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance of said Home, at an annual rate not exceeding two hundred and ten dollars per capita, or so much thereof as may be necessary.

$210 per capita.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill appropriates $175,000 for the two fiscal years and is the same as was appropriated by the Legislature of 1897 to this Home.

The Soldiers' and Sailors' Home at Erie receives certain funds from the United States Government which enables it to exist without using the whole of this appropriation. During the past two years the institu-

tion has used only $100,000 of this appropriation. In conferring with members of the Board having charge of the Home at Erie, I have reached the conclusion that this appropriation may be safely reduced to $100,000, and an agreement to that effect has been filed in the office of the State Treasurer.

I, therefore, approve this bill for the sum of $100,000 only, and disapprove of it for the sum of $75,000, in accordance with the release filed in the office of the State Treasurer.

WILLIAM A. STONE.

No. 30.

AN ACT

To establish an emergency fund to be used, as occasion may require, in the suppression of epidemics, prevention of disease, and protection of human life in times of disease and disaster, and making an appropriation therefor; and directing that the unexpended balance of the sum appropriated by the act approved the third day of July, one thousand eight hundred and ninety-seven, shall revert to the State Treasury, and become part of the general fund at the close of the fiscal year ending May thirty-first, one thousand eight hundred and ninety-nine.

Appropriation for emergency fund.

Approved for $25,000.

Section 1. Be it enacted, &c., That for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, the sum of fifty thousand dollars be and the same is hereby specifically appropriated and set apart out of any money in the Treasury not otherwise appropriated, for the purpose of creating an emergency fund to be used, as occasion may require, by the State Board of Health in the suppression of the epidemics, prevention of diseases, and protection of human life, in times of disease and disaster beyond the relief of individual and organized charity.

When money is needed, Board of Health shall transmit resolution to Governor, stating amount necessary.

The money herein appropriated shall be held in the treasury of the Commonwealth, and whenever the State Board of Health shall determine that the public health is threatened, either by epidemic or as the result of great disaster, to such an extent that the local authorities and individual and organized charity are unable to meet the emergency, they shall pass a resolution to that effect, stating all the facts in the case and the reasons for considering that State aid is needed, and to what amount, and transmit the same to the Governor.

Who shall approve resolution.

If the resolutions and the reasons therein set forth shall meet with the approval of the Governor, Auditor General and State Treasurer, they shall so certify and file the resolutions and certificate of approval in the office of the Auditor General, for the amount approved

by the Governor, Auditor General and State Treasurer, and place the same in the hands of the Treasurer of the State Board of Health, to be used for the purpose set forth in the resolution as aforesaid, and for no other purpose. If after the said epidemic shall have been suppressed, or the sickness or danger averted, there shall be a balance of the amount drawn left in the hands of the Treasurer of the State Board of Health, he shall, without delay, return the same to the State Treasurer, and it shall become a part of the said emergency fund. He shall also file with the Auditor General a specifically itemized statement, made under oath, and accompanied by proper vouchers of the expenditures of said moneys as soon as possible. The unexpended balance of the money herein appropriated shall revert to the State Treasury at the close of the two fiscal years.

To place the same with Treasurer of State Board of Health.

Balance shall be returned to State Treasurer.

Itemized statement and vouchers.

Unexpended balance.

May 12th, 1899.—This bill is approved for $25,000. I withhold my approval from $25,000 for the reason that in the past two years not one-half of the amount aforesaid was used and I can see no reason why, during the next two years, it will be necessary to use more than half of this appropriation. This reduction has been agreed to by paper duly executed and filed by the Governor, the Auditor General and the State Treasurer, who constitute the Emergency Board, and I, therefore, withhold my approval of the sum of $25,000, as per said release filed in the office of the State Treasurer.

WILLIAM A. STONE.

No. 31.

AN ACT

Making an appropriation to the trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, located at Philipsburg, Centre county.

Appropriation for maintenance.

Approved for $12,000.

Section 1. Be it enacted, &c., That the sum of fourteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, located at Philipsburg, Centre county, for the purpose of maintenance of said hospital, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March

fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved for the sum of $12,000. I withhold my approval from the sum of $2,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 32.

AN ACT

Making an appropriation to the Hospital of the University of Pennsylvania.

Section 1. Be it enacted, &c., That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the trustees of the University of Pennsylvania, for the use of its hospital for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance.

Appropriation for maintenance.

Approved for $50,000.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

How payable.

May 12th, 1899.—This bill is approved for the sum of $50,000. I withhold my approval from the sum of $25,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 33.

AN ACT

Making an appropriation to the Corry Hospital Association of Corry, Erie county.

Section 1. Be it enacted, &c., That the sum of six thousand dollars, or so much thereof as may be

Appropriation for maintenance.

Approved for $4,000.

necessary, be and the same is hereby specifically appropriated to the Corry Hospital Association of Corry, Erie county, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved for the sum of $4,000. I withhold my approval from the sum of $2,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 34.

AN ACT

Making an appropriation to the Philadelphia Home for Incurables.

Appropriation for maintenance.

Approved for $10,000.

Section 1. Be it enacted, &c., That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Philadelphia Home for Incurables, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved for the sum of $10,000. I withhold my approval from the sum of $5,000, which is the amount the trustees of said institution have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 35.

AN ACT

Making an appropriation to the Medical and Surgical Department of the Western Pennsylvania Hospital at Pittsburgh.

Section 1. Be it enacted, &c., That the sum of ninety thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Medical and Surgical Department of the Western Pennsylvania Hospital at Pittsburgh, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance: Provided, That in consideration of this appropriation there shall be fifteen free beds maintained, which shall be filled upon certificate of the mayor, director of the department of public safety, or the poor board of the proper city or county, on presentation of such certificate to the officers of the hospital in the order in which applications are made after examination as to the propriety of such certificate being given.

Appropriation for maintenance.

Approved for $78,000.

Proviso as to free beds.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

How payable.

May 12th, 1899.—This bill is approved for the sum of $78,000. I withhold my approval from the sum of $12,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 36.

AN ACT

Making an appropriation to the McKeesport Hospital.

Section 1. Be it enacted, &c., That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the McKeesport Hospital in the City of McKeesport, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance.

Appropriation for maintenance.

Approved for $12,000.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved for the sum of $12,000. I withhold my approval from the sum of $3,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 37.

AN ACT

Making an appropriation to the medical department of the Hahnemann Medical College and Hospital of Philadelphia.

Appropriation for maintenance.

Approved for $45,000.

Section 1. Be it enacted, &c., That the sum of fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Hospital Department of the Hahnemann Medical College and Hospital of Philadelphia, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance of said hospital.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved for the sum of $45,000. I withhold my approval from the sum of $5,000, which is the amount the trustees of said institution have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 38.

AN ACT

Making an appropriation to the Homeopathic Medical and Surgical Hospital and Dispensary, of Pittsburgh.

Section 1. Be it enacted, &c., That the sum of fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Homeopathic Medical and Surgical Hospital and Dispensary, of Pittsburgh, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance.

Appropriation for maintenance.

Approved for $45,000.

Provided, That in consideration of this appropriation there shall be ten free beds maintained, which shall be filled upon the certificate of the mayor, the Director of the Department of Public Safety, or the poor board of the proper city or county, on presentation of such certificate to the officers of the hospital and dispensary in the order in which applications are made, after examination as to the propriety of such certificate being given.

Proviso as to free beds.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

How payable.

May 12th, 1899.—This bill is approved for the sum of $45,000. I withhold my approval from the sum of $5,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 39.

AN ACT

Making an appropriation to the German Hospital of Philadelphia.

Section 1. Be it enacted, &c., That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the German Hospital of Philadelphia,

Appropriation for maintenance.

Approved for $15,000.

for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety nine.

May 12th, 1899.—This bill is approved for the sum of $15,000. I withhold my approval from the sum of $5,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 40.

AN ACT

Making an appropriation to the Allegheny General Hospital, Allegheny City.

Appropriation for maintenance.

Approved for $35,000.

Section 1. Be it enacted, &c., That the sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Allegheny General Hospital, of Allegheny City, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance: Provided, That in consideration of this appropriation there shall be ten free beds maintained, which shall be filled upon the certificate of the mayor, the director of the department of public safety, or the poor board of the proper city or county, on presentation of such certificate to the officers of the hospital in the order in which applications are made, after examination as to the propriety of such certificate being given.

Proviso as to free beds.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved for the sum of $35,000. I withhold my approval from the sum of $5,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 41.

AN ACT

Making an appropriation to the Pottsville Hospital, of Pottsville, Schuylkill county.

Section 1. Be it enacted, &c., That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Pottsville Hospital of Pottsville, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance.

Appropriation for maintenance.

Approved for $15,000.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

How payable.

May 12th, 1899.—This bill is approved for the sum of $15,000. I withhold my approval from the sum of $5,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 42.

AN ACT

Making an appropriation to the hospital department of the Philadelphia Polyclinic and College for Graduates in Medicine.

Section 1. Be it enacted, &c., That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Philadelphia Polyclinic and College for Graduates in Medicine, for the two fiscal years

Appropriation for maintenance of hospital department.

Approved for $20,000.

beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance of its hospital department.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved for the sum of $20,000. I withhold my approval from the sum of $5,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 43.

AN ACT

Making an appropriation to Saint Luke's Hospital, of South Bethlehem.

Appropriation for maintenance.

Approved for $20,000.

Section 1. Be it enacted, &c., That the sum of twenty-two thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to Saint Luke's Hospital, of South Bethlehem, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved for the sum of $20,000. I withhold my approval from the sum of $2,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 44.

AN ACT

Making an appropriation to the Hospital Department of the Jefferson Medical College, of Philadelphia.

Section 1. Be it enacted, &c., That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Hospital Department of the Jefferson Medical College, of Philadelphia, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance.

Appropriation for maintenance.

Approved for $50,000.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

How payable.

May 12th, 1899.—This bill is approved for the sum of $50,000. I withhold my approval from the sum of $25,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 45.

AN ACT

Making an appropriation to the Christian H. Buhl Hospital, of the borough of Sharon.

Section 1. Be it enacted, &c., That the sum of nine thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Christian H. Buhl Hospital, of the borough of Sharon, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance.

Appropriation for maintenance.

Approved for $7,000.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

How payable.

May 12th, 1899.—This bill is approved for the sum of $7,000. I withhold my approval from the sum of

$2,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 46.

AN ACT

Making an appropriation to the Altoona Hospital.

Appropriation for maintenance.

Approved for $12,000.

Section 1. Be it enacted, &c., That the sum of fourteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Altoona Hospital, for the purpose of maintenance for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved for the sum of $12,000. I withhold my approval from the sum of $2,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 47.

AN ACT

Making an appropriation to the Pennsylvania Museum and School of Industrial Art of Philadelphia.

Appropriation for maintenance.

Approved for $35,000.

Section 1. Be it enacted, &c., That the sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Pennsylvania Museum and School of Industrial Art, for the two fiscal years beginning June

first, one thousand eight hundred and ninety-nine, for the general maintenance of said Pennsylvania Museum and School of Industrial Art, and any portion of said appropriation may be used for the purchase of looms and other machinery, for instruction in weaving in textile design and other arts appertaining to the industries of the State: Provided, That in such school there shall be maintained a free scholarship for one pupil from each county in the State, to be filled by the appointment of the Governor of the Commonwealth, except that for counties having more than one Senator as many scholarships shall be provided as there are Senatorial districts in such counties; and in the case of the failure of any county to be properly represented by an appointee or appointees at the opening of any school year, October first, then the Governor shall have power to fill such vacancy or vacancies by the appointment of applicants from other parts of the State.

Instruction in weaving.

Proviso as to free scholarships.

Vacancies.

The said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

How payable.

May 12th, 1899.—This bill is approved for the sum of $35,000. I withhold my approval from the sum of $5,000, which is the amount the trustees of said institution have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 48.

AN ACT

Making an appropriation to the Pennsylvania Epileptic Hospital and Colony Farm.

Section 1. Be it enacted, &c., That the sum of ten thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Pennsylvania Epileptic Hospital and Colony Farm, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance, training and treatment of twenty-five epileptic patients, residents of the State, to be paid in proportion to the number of indigent epileptics received from the various counties of the

Appropriation for maintenance, etc.

Approved for $5,000.

Annual per capita rate.

Commonwealth, at an annual rate not exceeding two hundred dollars per capita, or so much thereof as may be necessary.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved for the sum of $5,000. I withhold my approval from the sum of $5,000, which is the amount the trustees of said institution have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 49.

AN ACT

Making an appropriation to the West Side Hospital Association of Scranton.

Appropriation.

Section 1. Be it enacted, &c., That the following sums, or so much thereof as may be necessary, be and the same are hereby specifically appropriated to the West Side Hospital Association of Scranton, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the following purposes, namely: The sum of fifteen thousand dollars, or so much thereof as may be necessary, for the purpose of maintenance; for the payment of a mortgage, the sum of eight thousand seven hundred and fifty dollars, or so much thereof as may be necessary.

Approved for $10,000 for maintenance.

$8,750 for payment of a mortgage.

How payable.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 12th, 1899.—This bill is approved except as to the item of $15,000 for maintenance, which I have approved for $10,000, withholding my approval of the sum of $5,000, being the amount which the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 50.

AN ACT

Making an appropriation to the House of Refuge, situated in the Eastern District of the Commonwealth.

Section 1. Be it enacted, &c., That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the House of Refuge, situated in the Eastern District of the State, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, towards the maintenance of said institution.

Appropriation for maintenance.

Approved for $135,000.

The said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

How payable.

May 12th, 1899.—This bill is approved for the sum of $135,000. I withhold my approval from the sum of $15,000, which is the amount the trustees of said institution have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

No. 51.

AN ACT

Making an appropriation towards the maintenance of the Pennsylvania Nautical School Ship, located at the port of Philadelphia.

Section 1. Be it enacted, &c., That the sum of twenty-four thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the directors of the Pennsylvania Nautical School Ship located at the port of Philadelphia, for the two fiscal years commencing on the first day of June, one thousand eight hundred and ninety-nine.

$24,000 for maintenance, subject to release filed with the State Treasurer.

Provided, That the city of Philadelphia shall appropriate twenty thousand dollars per annum towards the maintenance of said Pennsylvania Nautical School Ship, and that the fact of such appropriation shall be certified to the Auditor General by the mayor of the city of Philadelphia before the amounts hereinbefore appropriated or any part thereof shall be paid.

Proviso.

Proviso.

Provided further, That quarterly statements of the expenditures of the said board of directors for the maintenance of the said Pennsylvania Nautical School Ship shall be rendered to the comptroller of the city of Philadelphia and, when certified by him, submitted to the Auditor General of the Commonwealth, and no part of the moneys hereinbefore appropriated shall be paid until the said statement for the previous quarter shall have been submitted to the Auditor General, as herein provided, and approved by him.

How payable.

The said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

May 13th, 1899.—Approved in accordance with the provisional release filed in the office of the State Treasurer, by which the Board of Directors of this institution agree that that portion of the appropriation amounting to $6,000 for the last half of the fiscal year beginning June first, 1900, shall abate under certain conditions therein specified.

WILLIAM A. STONE.

No. 319.

A FURTHER SUPPLEMENT

To an act, entitled "An act to accept the grant of public lands by the United States for the endowment of agricultural colleges," approved April first, one thousand eight hundred and sixty-three, and making appropriations for carrying the same into effect.

Appropriation.

Section 1. Be it enacted, &c., That in order to carry into effect the act of Congress, approved July second, one thousand eight hundred and sixty-two, granting public lands to the several states for educational purposes, and the act of the Legislature of Pennsylvania, approved April first, one thousand eight hundred and sixty-three, accepting the provisions and conditions of said act of Congress, and pledging the faith of the State to carry the same into effect, that the following sums, or so much thereof as may be necessary, be and are hereby specifically appropriated, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, to the trustees of the Pennsylvania State College, for the following purposes, namely:

$250 for desks, chairs, maps, etc.

For desks, chairs, settees, blackboards, maps, cases, and other furnishings of class rooms and laboratories, the sum of two hundred and fifty dollars, or so much thereof as may be necessary.

For fuel, for heating, lighting and power, the sum of twelve thousand dollars, or so much thereof as may be necessary. $12,000 for fuel, heating, etc.

For repairs and maintenance of buildings, and maintenance and improvement of steam plant, the sum of two thousand five hundred dollars, or so much thereof as may be necessary. This item is disapproved.

For maintenance of electric light and water supply, and replacing defective electric wiring, and providing for additional lighting, the sum of four thousand dollars, or so much thereof as may be necessary. $4,000 for electric light and water supply.

For maintaining campus walks and roads, the sum of one thousand dollars, or so much thereof as may be necessary. This item is disapproved.

For insurance falling due in the fiscal years one thousand eight hundred and ninety-nine and one thousand nine hundred, the sum of four thousand and fifty-one dollars and ninety cents, or so much thereof as may be necessary. $4,051.90 for insurance.

For maintenance of the Department of Agriculture, including Creamerymen's Course, Dairy Course, Correspondence Courses in Agriculture, and Winter Lecture Courses, the sum of twelve thousand dollars, or so much thereof as may be necessary. $12,000 for maintenance Department of Agriculture.

For maintenance of the Department of Mining Engineering, the sum of eight thousand dollars, or so much thereof as may be necessary. $8,000 for maintenance Department of Mining Engineering.

For maintenance of the Department of Electrical Engineering, including equipment for its shops and laboratories, the sum of seven thousand dollars, or so much thereof as may be necessary. $7,000 for Department of Electrical Engineering.

For maintenance of the Department of Mechanical Engineering, including machinery, equipment for shops, and so forth, the sum of seven thousand dollars, or so much thereof as may be necessary. $7,000 for Department of Mechanical Engineering.

For maintenance of library and reading room, the sum of one thousand dollars, or so much thereof as may be necessary. $1,000 for Library, etc.

For binding back volumes and current volumes of valuable periodicals, and rebinding standard works, the sum of two hundred and fifty dollars, or so much thereof as may be necessary. $250 for Binding.

For maintenance of the Department of Physics and purchase of additional apparatus for physical research, the sum of one thousand dollars, or so much thereof as may be necessary. This item is disapproved.

For maintenance of the Department of Civil Engineering and equipment of the hydraulic laboratory, the sum of two thousand five hundred dollars, or so much thereof as may be necessary. This item is disapproved.

For maintenance of the Department of Chemistry, including the Chemical Museum, the sum of two thousand dollars, or so much thereof as may be necessary. This item is disapproved.

For maintenance of the Department of Psychology, including psychological laboratory, the sum of one thousand dollars, or so much thereof as may be necessary. This item is disapproved.

For maintenance of the biological and botanical laboratories, the sum of one thousand dollars, or so much thereof as may be necessary. This item is disapproved.

That the said appropriation to be paid in accordance with the provisions of an act of Assembly, approved March fifteenth, one thousand eight hundred and ninety-nine. How payable.

May 13th, 1899.—This bill is approved except as to the following items:

The item which provides for repairs and maintenance of buildings and maintenance and improvement of steam plant the sum of $2,500, or so much thereof as may be necessary, is disapproved.

The item for maintaining campus walks and roads the sum of $1,000, or so much thereof as may be necessary, is disapproved.

The item for maintenance of the Department of Physics and purchase of additional apparatus for physical research the sum of $1,000, or so much thereof as may be necessary, is disapproved.

The item for maintenance of the Department of Civil Engineering and Equipment of the hydraulic laboratory the sum of $2,500, or so much thereof as may be necessary, is disapproved.

The item for maintenance of the Department of Chemistry, including the chemical museum, the sum of $2,000, or so much thereof as may be necessary, is disapproved.

The item for maintenance of the Department of Psychology, including psychological laboratory, the sum of $1,000, or so much thereof as may be necessary, is disapproved.

And the item for maintenance of the biological and botanical laboratories the sum of $1,000, or so much thereof as may be necessary, is disapproved.

These items are disapproved, not because they are not needed by the college, but because the financial condition of the State and the estimated revenues for the coming two years will not justify me in approving them.

WILLIAM A. STONE.

No. 52.

AN ACT

Making an appropriation to the Medico-Chirurgical Hospital of Philadelphia.

Section 1. Be it enacted, &c., That the sum of eighty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Medico-Chirurgical Hospital of Philadelphia, for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, for the purpose of maintenance of the general hospital and maternity departments, and the further sum of thirty-five thousand dollars for repairs to hospital buildings, for the two fiscal years aforesaid.

This item approved for $70,000.

This item approved for $20,000.

Said appropriation to be paid in accordance with the provisions of an act of Assembly approved March fifteenth, one thousand eight hundred and ninety-nine.

How payable.

May 13th, 1899.—This bill makes an appropriation of $85,000 for maintenance in the first item, and $35,000 for repairs to hospital buildings in the second item.

I approve of the sum of $70,000 of the first item, and disapprove of the sum of $15,000. Of the second item, providing for repairs to the hospital buildings, I approve of the sum of $20,000, and disapprove of the sum of $15,000. These reductions are in accordance with the agreement filed by the authorities of said institution in the office of the State Treasurer, which agreement also authorizes the State Treasurer to withhold the further sum of $5,000, appropriated for maintenance, under certain conditions therein stipulated.

WILLIAM A. STONE.

No. 53.

AN ACT

To provide for the ordinary expenses of the Executive, Judicial and Legislative departments of the Commonwealth, interest on the public debt, and for the support of the public schools for the two fiscal years beginning June first, one thousand eight hundred and ninety-nine, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand eight hundred and ninety-nine.

Section 1. Be it enacted, &c., * * * *

Section 2. * * * * * * *

Public Grounds and Buildings.

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For the payment of Anthony Frenie and Josiah Higgins, janitors of the toilet and bath rooms of the Capitol and Executive Buildings, for two years, the sum of three dollars each per diem, for time actually employed.

* * * * * * * * * *

For the payment of rent of rooms in the building at the corner of Second and Locust streets, Harrisburg, now occupied by the Department of Public Instruction, for the two fiscal years commencing June first, one thousand eight hundred and ninety-nine, the sum of two thousand four hundred dollars, or so much thereof as may be necessary.

For the payment of rent of rooms in Harrisburg National Bank building, now occupied by the Forestry Commissioner and the Economic Zoologist, for the two fiscal years commencing June first, one thousand eight hundred and ninety-nine, the sum of one thousand and eighty dollars, or so much thereof as may be necessary.

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Medical Council.

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For the payment of the necessary expenses of the Medical Council, two years, the sum of two thousand dollars, or so much thereof as may be necessary.

Dental Council.

For the payment of the necessary expenses of the Dental Council, two years, the sum of one thousand five hundred dollars, or so much thereof as may be necessary.

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Senate.

Section 4. * * * * * * *

For the payment of the salaries of the officers and employes of the Senate (except librarian and watchman), the sum of thirty-four thousand three hundred and twenty-four dollars, or so much thereof as may be necessary.

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For the services of a calendar and property clerk in Senate, the sum of six hundred dollars for the session

of one thousand eight hundred and ninety-nine, and three dollars per diem during the recess ending December thirty-first, one thousand nine hundred.

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To E. W. Smiley, chief clerk of the Senate, for the payment of salaries of five pages of the Senate, appointed in pursuance of resolution of the Senate (page four hundred and fifty-six Senate Journal, one thousand eight hundred and ninety-seven), the sum of seventeen hundred and fifty dollars.

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House of Representatives.

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For the payment of the salaries of officers and employes of the House (except resident clerk and watchman), the sum of forty-two thousand five hundred and twenty dollars, or so much thereof as may be necessary.

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Section 5. For the payment of the publication of the Legislative Record, the sum of three dollars and forty-four cents per page, in accordance with the contract relating thereto; and for the payment, at the same rate per page, of two hundred copies over and above the regular edition, delivered to the State Librarian as provided for by an act of Assembly approved June twenty-fourth, one thousand eight hundred and ninety-five; for printing the wrappers for the Legislative Record, the sum of one dollar and seventy-four cents per set; for making an index for the Legislative Record, the sum of three hundred dollars, or so much thereof as may be necessary: Provided, That the number of the copies of the indices furnished by the contractor shall be equal to the number of copies of the Record printed by him.

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Section 8. For the support of the public schools of this Commonwealth for the two years commencing on the first day of June, one thousand eight hundred and ninety-nine, the sum of eleven million dollars, to be paid on warrants of the Superintendent of Public Instruction in favor of the several school districts of the Commonwealth: Provided, That the city of Philadelphia shall be entitled to a proper portion of this appropriation, and out of the amount received by the city of Philadelphia there shall be paid the

sum of three thousand dollars to the Teachers' institute of said city; the sum of three thousand dollars to the Philadelphia School of Design for Women for their corporate purposes, and the sum of ten thousand dollars to the Teachers' Annuity and Aid Association of said city: Provided further, That warrants for the above, and all other unpaid appropriations for common school purposes, shall be issued in amounts designated by the State Treasurer, and whenever he shall notify the Superintendent of Public Instruction, in writing, that there are sufficient funds in the State Treasury to pay the same.

Section 9. For the payment of the salaries of the county superintendents of the public schools, for two years, the sum of two hundred and thirty thousand dollars, or so much thereof as may be necessary, to be paid on the warrant of the Superintendent of Public Instruction; and for the education of teachers in the Normal schools, the sum of one hundred and thirty thousand dollars, annually, or so much thereof as may be necessary, to be applied under the same conditions and under the same restrictions as are set forth in section three of the general appropriation act, approved March twenty-third, one thousand eight hundred and seventy-three: Provided, That each student in a Normal school. drawing an allowance from the State, must receive instruction in the science and art of teaching in a special class devoted to that object, for the whole time such allowance is drawn. All of which sums herein appropriated shall be paid on the warrant of the Superintendent of Public Instruction.

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Section 21. For the payment of the expenses of the delegates appointed by the Governor to attend the Farmers' National Congress, held at Saint Paul, Minnesota, in the year one thousand eight hundred and ninety-seven, and at Fort Worth, Texas, in the year one thousand eight hundred and ninety-eight, the sum of three thousand nine hundred and ninety-four dollars and sixty-two cents, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General upon the presentation of specifically itemized vouchers, duly verified under oath, by each of the several delegates, the same to be approved by the Auditor General and State Treasurer.

Section 22. The State Treasurer is hereby authorized and directed to pay out of any moneys in the State Treasury, not otherwise appropriated, on accounts to be audited and adjusted by the Auditor General and State Treasurer, the sum of seven hundred and fifty dollars, or so much thereof as may be necessary, to pay the sum they may find to be legally due to Messrs. Rankin and Kellogg, architects of the city of Phila-

delphia, for money expended, and services rendered by them to the trustees of the asylum for the chronic insane, in fitting up the laundry, kitchen, refrigerators, dining-room and chapel, including plumbing and finishing floors of said asylum.

Section 23. For the payment to Mary Weyand, of Somerset county, the sum of eighty-nine dollars and thirteen cents, the same being the amount paid by John Weyand, now deceased, the husband of the said Mary Weyand, for purchase money and fees for the tract of land in Turkeyfoot township, Somerset county, which amount was improvidently paid by said John Weyand, the title of said tract of land having been previously granted to other parties; said amount to be paid on warrant of the Auditor General on the State Treasurer in due form, upon a certificate from the Secretary of Internal Affairs that the warrant and patent granted in said case have been surrendered to the State. And for the payment to the estate of A. C. Patterson, the sum of three hundred dollars, the same being the amount paid by A. C. Patterson, now deceased, for an island in the Ohio river, in Allegheny county, which amount was improvidently paid by the said A. C. Patterson, the title to the said island having been previously granted to other parties; said amount to be paid on the warrant of the Auditor General on the State Treasurer in due form, upon a certificate from the Secretary of Internal Affairs that the warrant and patent granted in said case have been surrendered to the State.

Section 24. The sum of two thousand two hundred and ninety-three dollars and ninety cents, or so much thereof as may be necessary, is hereby appropriated to Theodore C. Erb, mechanic of the Capitol building, to reimburse him for personal property, owned and used by him in the service of the State of Pennsylvania, which was destroyed by the burning of the Capitol building, February second, one thousand eight hundred and ninety-seven, in accordance with sworn statement furnished, and which shall be filed with the Auditor General when settlement of said account is made.

Section 25. For the payment of the bills incurred and the necessary expenses thereunder of concurrent resolution, approved February ninth, one thousand eight hundred and ninety-seven, for stenographic services and typewriting, the sum of four hundred and sixty dollars, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General to William K. Miller, upon the presentation of specifically itemized vouchers, duly verified and attested to under oath.

Section 26. To the estate of Edgar L. King, deceased, the sum of fifteen hundred dollars, in full for bill of thirty-three hundred and thirty-seven dollars and eigh-

ty-five cents, for services during the session of one thousand eight hundred and ninety-seven, including stenographic, typewriter, copying work, and other services and expenses incurred in pursuance of concurrent resolutions, approved February ninth, one thousand eight hundred and ninety-seven, February sixteenth, one thousand eight hundred and ninety-seven, March seventeenth, one thousand eight hundred and ninety-seven, and April thirtieth, one thousand eight hundred and ninety-seven, four hundred and fifty dollars of which shall be paid to Miss Gertrude M. Butler, his assistant, one hundred and fifty dollars to William F. Reber, his assistant, and the remainder to Mrs. Edgar L. King, widow of Edgar L. King, deceased, payable upon proper warrants of the Auditor General.

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Section 29. For the payment of the amount due the estate of George F. Murray, for work in and about the Capitol building in one thousand eight hundred and ninety-five, the sum of eight hundred and fifty dollars, or so much thereof as may be necessary, the same to be paid upon satisfactory proof to the Auditor General and State Treasurer that the work was duly ordered by competent authority and was properly done by said Murray.

May 13th, 1899.—This bill is approved except as to the following items:

Public Grounds and Buildings.

The item in section two which provides as follows:

"For the payment of Anthony Frenie and Josiah Higgins, janitors of the toilet and bath rooms of the Capitol and Executive buildings, for two years, the sum of three dollars each per diem, for time actually employed."

This item is disapproved for the reason that these men are already borne on the rolls as employes and paid by the departments to which they belong, and there is no necessity for this appropriation.

Also the item which provides as follows:

"For the payment of rent of rooms in the building at the corner of Second and Locust streets, Harrisburg, now occupied by the Department of Public Instruction, for the two fiscal years commencing June first, one thousand eight hundred and ninety-nine, the sum of two thousand four hundred dollars, or so much thereof as may be necessary."

This item is disapproved for the reason that I am assured by the Auditor General that quarters can be

arranged in the new Capitol building for the Department of Public Instruction, and that this amount can thus be saved to the State.

Also the item which provides as follows:

"For the payment of rent of rooms in Harrisburg National Bank Building, now occupied by the Forestry Commissioner and the Economic Zoologist, for the two fiscal years commencing June first, one thousand eight hundred and ninety-nine, the sum of one thousand and eighty dollars, or so much thereof as may be necessary."

This item is disapproved for the reason that I am assured by the Auditor General that quarters can be arranged for these two departments in the new Capitol building and that this amount can thus be saved to the State.

Medical Council.

Also the item which provides as follows:

"For the payment of the necessary expenses of the Medical Council of Pennsylvania, two years, the sum of two thousand dollars, or so much thereof as may be necessary."

This item is approved for the sum of $1,000, and disapproved for the sum of $1,000. This is an increase in the appropriation for the expenses of the Medical Council not authorized by the act of Assembly creating this Council, and in my judgment is not justified by the expense incurred.

Dental Council.

Also the item which provides as follows:

"For the payment of the necessary expenses of the Dental Council, two years, the sum of one thousand five hundred dollars, or so much thereof as may be necessary."

This item is disapproved for the reason that the act approved July 9, 1897, creating the Dental Council, makes provision that the expenses of that Council shall be paid out of the fees provided by said act, and there is no justification for taking this money out of the State Treasury.

Senate.

The item in section four which provides as follows:

"For the payment of the salaries of the officers and employes of the Senate (except Librarian and watchman), the sum of thirty-four thousand three hundred and twenty-four dollars, or so much thereof as may be necessary."

This item is approved for the sum of $31,324, and disapproved for the sum of $3,000, for the reason that in this item is embodied compensation for an engineer

and fireman, which officers are not required during the period of adjournment, inasmuch as heat is supplied from outside the building and the services of an engineer and fireman are dispensed with. The sum of $3,000 is the amount ascertained by the State Treasurer which would be received by them under this appropriation.

Also the item which provides as follows:

"For the payment of the services of a calendar and property clerk in Senate, the sum of six hundred dollars for the session of one thousand eight hundred and ninety-nine, and three dollars per diem during the recess ending December thirty-first, one thousand nine hundred."

That portion of this item which appropriates $600 for the session of 1899 is approved, and that portion of the item which appropriates $3.00 per day during the recess ending December 31, 1900, is disapproved. There is no necessity for this office and no duties for the officer to perform, and in my judgment no justification for the approval of this portion of the item.

Also the item which provides as follows:

"To E. W. Smiley, chief clerk of the Senate, for the payment of salaries of five pages of the Senate, appointed in pursuance of resolution of the Senate (page four hundred and fifty-six Senate Journal, one thousand eight hundred and ninety-seven), the sum of seventeen hundred and fifty dollars."

This item is disapproved for the reason that it is in payment of expenses incurred during the Legislature of 1897, and which if justified should have been provided for by that Legislature. The whole question of extra employes was fully considered by the Legislature of 1897 and my predecessor in office, and I do not feel justified in opening it anew at this time.

House of Representatives.

The item in section four which provides as follows:

"For the payment of the salaries of officers and employes of the House (except resident clerk and watchman), the sum of forty-two thousand five hundred and twenty dollars, or so much thereof as may be necessary."

This item is approved for the sum of $40,654, and disapproved for the sum of $1,866, for the reason that the compensation for a fireman in the House amounting to $1,866 is included in this item. The hall of the House of Representatives and all the committee rooms connected therewith are now heated by steam, conducted in pipes from other buildings, and the services of a fireman is no longer needed. I, therefore, withhold

my approval of this portion of this item, which is the amount of his salary as calculated by the State Treasurer.

The item in section five which provides as follows:

"For the payment of the publication of the Legislative Record, the sum of three dollars and forty-four cents per page, in accordance with the contract relating thereto, and for the payment, at the same rate per page, of two hundred copies over and above the regular edition, delivered to the State Librarian as provided for by an act of Assembly approved June twenty-fourth, one thousand eight hundred and ninety-five."

That portion of this item which reads as follows: "And for the payment at the same rate per page, two hundred copies over and above the regular edition, delivered to the State Librarian as provided for by act of Assembly approved June 24, 1895," is disapproved for the reason that the cost of the publication of the Legislative Record is by page and not by copy. The appropriation of $3.44 per page should be full compensation for the publication of the Record, and there is no necessity, or excuse, for any extra payment whatever.

The item in section eight which provides as follows:

"For the support of the public schools of the Commonwealth for the two years commencing on the first day of June, one thousand eight hundred and ninety-nine, the sum of eleven million dollars, to be paid on warrants of the Superintendent of Public Instruction in favor of the several school districts of the Commonwealth."

This item makes an appropriation of $5,500,000 annually for the support of the public schools of the Commonwealth. The Constitution of 1874 provides that not less than $1,000,000 annually shall be appropriated for the support of the public schools of the State. The minimum amount fixed by the new Constitution was the maximum of legislative generosity from 1874 down to and including 1887; in other words, the Legislature, for a period of thirteen years after the adoption of the new Constitution, appropriated to the common schools the sum of $1,000,000 annually. Prior to 1874 the annual appropriation to the common schools was very much less than the minimum amount fixed in the Constitution. In the early days of our system of popular education the common schools were supported almost entirely by local taxation. It was the thought of the early advocates of the public school system that the schools should be supported by the districts in which they were located, and that the people would have greater interest in them if taxed for that purpose. As the great business and material interests of the

State developed it was deemed advantageous to the school system to make more liberal appropriations out of the State revenues.

In 1887 an agitation was started that resulted in increasing the annual appropriation to $1,500,000, and for the two years following the public schools of the State received that amount each year. In 1889 the Legislature increased the appropriation to $2,000,000 annually, and this was the amount of aid extended by the State to the public schools for the two years following that session. Being so successful in having the appropriations for this purpose increased, the friends of our common schools continued the agitation during the session of 1891, with the result of increasing the annual amount set apart for school purposes to the princely sum of $5,000,000. This is a larger amount than is appropriated by any other state in our great country for the support of common schools, and it was very generally supposed that no further attempt to increase it would be made. In 1893, however, a bill was introduced into the Legislature which authorized and required directors to furnish free text-books to the pupils in our common schools. At that time a very large number of the districts throughout the State did not provide free text-books for the pupils. The introduction of free text-books necessarily involved the expenditure of large sums of money, and the friends of this measure succeeded in securing an additional $500,000 for this purpose. Following these precedents each succeeding Legislature has appropriated $5,500,000 annually for the support of the common schools.

It must not be forgotten in this connection that the appropriation of $5,500,000 does not include the appropriations made for the maintenance and support of our orphan schools, normal schools, the expenses incident to the support of the Department of Public Instruction, the payment of the salaries of county superintendents, and the appropriations made from time to time to other worthy educational institutions. Adding the appropriations made for the purposes last enumerated to the annual appropriation for the support of the common schools, we find that more than six million dollars are paid out of the State Treasury each year in support of the cause of education. When we take into consideration the fact that the net revenues of the State amount to little more than $11,000,000 each year, it will be readily seen how generous the State has been in dealing with the school question.

These large and magnificent appropriations to the common schools have gone on from year to year until our Treasury is left in a condition of financial embarrassment and we are now confronted with the practical question whether or not we can continue to make these appropriations without seriously affecting the

credit of the Commonwealth. I am proud of our common school system, and in hearty sympathy with every movement that has for its purpose the betterment of our schools. If a large deficit did not already exist in our Treasury on account of these appropriations, and if the anticipated revenues of the State would justify their continuance, I should most cheerfully give my approval to this section of the General Appropriation Bill. I cordially commend the intelligent purpose and patriotic devotion of our citizens to the common schools of the State, but every honest man must concede that it is impossible for the State to give away more money than it receives, no matter how worthy the purpose for which the money is expended. It is absolutely necessary to reduce the appropriations made by the Legislature, and it has seemed to me that, since free text-books have already been provided and paid for out of the general appropriations made since 1893, the annual appropriations could be reduced $500,000 a year without doing any injustice to the schools.

In my Inaugural address I called the attention of the Legislature to the financial condition of the Commonwealth, and stated that there was an actual deficit of between three and four million dollars on account of unpaid appropriations, and suggested that the Legislature should either cut down the appropriations or increase the revenues. I urged this both privately and publicly upon different occasions, but the Legislature has adjourned without providing any additional revenue, except possibly an increase estimated at $200,000 per annum after the first year under the new mercantile tax law. The appropriations made will amount to as much as, if not more than, the estimated revenues of the next two years. On the first of June—but a few weeks hence—the whole appropriation of $5,500,000 for the year ending at that time will be due, no part of which has yet been paid. At that time there will not be a million dollars in the Treasury to meet this obligation. In view of this financial condition it seems to me unwise to accumulate one appropriation upon another when there are no funds with which to pay them. I have carefully examined the General Appropriation Bill, as well as other appropriation bills, and have in every instance withheld my approval from items where I felt justified in so doing. In this way I have reduced the appropriations made by the Legislature and withheld my approval of bills amounting in round numbers to $500,000. It is my earnest desire to pay the obligations of the State which have been heretofore made, and which it is honorably bound to pay, to relieve the present embarrassment of the Treasury, and preserve the credit of the State. No fair minded and impartial citizen will justify me in approving appropriation bills in excess of the unpaid appropriations made by prior

Legislatures and the estimated revenues of the State for the two fiscal years next following. During the four years for which the people have honored me with the Executive Office I hope, by economy and care, even in the absence of additional revenue, to see these unpaid appropriations liquidated and the State placed upon a sound financial basis. A State, like an individual, cannot continue to pay out year by year more money than it receives and remain in a solvent condition. My purpose is to pay all appropriations made by the present Legislature which receive Executive approval and liquidate at least one and a half million dollars of the obligations remaining from former Legislatures during the next two years. In order to do this I am compelled to reduce the appropriation to the common schools $500,000 a year, amounting to one million dollars in two years, which, added to the $500,000 obtained by reducing other appropriations of the Legislature of 1899, will enable the Auditor General and State Treasurer to reduce what would be called the floating debt $1,500,000 during the next two years. In my judgment the State should pay its pre-existing debts, incurred under the sanction and authority of law, before it assumes new burdens which it is impossible to pay.

The authority of the Governor to disapprove part of an item is doubted, but several of my predecessors in office have established precedents by withholding their approval from part of an item and approving other parts of the same item. Following these precedents, and believing that the authority which confers the right to approve the whole of an item necessarily includes the power to approve part of the same item, I, therefore, approve of so much of this item which appropriates $5,000,000 annually, making $10,000,000 for the two years beginning June 1st, 1899, and withhold my approval from $500,000 annually, making $1,000,000 for the two school years beginning the first day of June, 1899.

The item in section nine which provides as follows:

"For the payment of the salaries of the county superintendents of the public schools, for two years, the sum of two hundred and thirty thousand dollars, or so much thereof as may be necessary, to be paid on warrant of the Superintendent of Public Instruction."

This item is approved for the sum of $205,000 and disapproved for the sum of $25,000. This item in the appropriation bill of 1897 was $198,000, but it was increased to the sum of $230,000 in order to meet the requirements of the bill passed by the Legislature of 1899 prohibiting the school directors from fixing the salaries of county superintendents at a less sum than $1,500. That bill has not received Executive approval and the necessity for this increase no longer exists.

The school directors in several of the counties have under their authority increased the salaries of county superintendents, which will require some few thousand dollars more than the amount appropriated in 1897, but I am satisfied that the sum of $205,000 will be sufficient to meet these payments and, therefore, withhold my approval from the sum of $25,000 in this item.

Also the item which provides as follows:

"For the education of teachers in the Normal Schools the sum of $130,000 annually, or so much thereof as may be necessary, to be applied under the same conditions and under the same restrictions as are set forth in section 3 of the general appropriation act, approved March twenty-third, one thousand eight hundred and seventy-three, provided that each student in a normal school, drawing an allowance from the State, must receive instruction in the science and art of teaching in a special class devoted to that object, for the whole time such allowance is drawn, all of which sums herein appropriated shall be paid upon the warrant of the Superintendent of Public Instruction."

This item is approved in so far as it provides for the payment of $130,000 for the first of the two years, and it is disapproved for the second school year beginning June first, 1900. This will give ample notice to all who are affected thereby. This course is made necessary by the condition of the Treasury and the estimated revenues of the State for the next two years.

The item in section twenty-one which provides as follows:

"For the payment of the expenses of the delegates appointed by the Governor to attend the Farmers' National Congress, held at Saint Paul, Minnesota, in the year one thousand eight hundred and ninety-seven, and at Fort Worth, Texas, in the year one thousand eight hundred and ninety-eight, the sum of three thousand nine hundred and ninety-four dollars and sixty-two cents, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General upon the presentation of specifically itemized vouchers, duly verified under oath by each of the several delegates, the same to be approved by the Auditor General and State Treasurer."

This item is disapproved for the reason that the delegates who attended the Farmers' National Congress, held at St. Paul, Minnesota, in the year 1897, and at Fort Worth, Texas, in the year 1898, were distinctly given to understand at the time of their appointments that they would serve, if they accepted the appointment, without compensation and without expense to the State. There is no authority in law to justify the State in paying these expenses, and while it has been

customary to approve these items, I feel that the condition of the Treasury and the lack of revenue for the next two years will not justify the expenditure of the money provided in this appropriation, and I, therefore, withhold my approval of this item.

The item in section twenty-two which provides as follows:

"The State Treasurer is hereby authorized and directed to pay out of any moneys in the State Treasury not otherwise appropriated, on accounts to be audited and adjusted by the Auditor General and State Treasurer, the sum of seven hundred and fifty dollars, or so much thereof as may be necessary, to pay the sum they may find to be legally due to Messrs. Rankin & Kellogg, architects of the city of Philadelphia, for money expended and services rendered by them to the trustees of the asylum for the chronic insane, in fitting up the laundry, kitchen, refrigerators, dining-room and chapel, including plumbing and finishing floors of said asylum."

This item is disapproved because the claims growing out of the construction to this institution were adjusted some years ago, and this claim was either not presented at the time or, if presented, was disallowed by the accounting officers of the State. The services were rendered some six years ago and I do not feel justified in concurring in this appropriation. I, therefore, withhold my approval.

The item in section twenty-three, which provides as follows:

"For the payment to Mary Weyand, of Somerset county, the sum of eighty-nine dollars and thirteen cents, the same being the amount paid by John Weyand, now deceased, the husband of the said Mary Weyand, for purchase money and fees for the tract of land in Turkeyfoot township, Somerset county, which amount was improvidently paid by said John Weyand, the title of said tract of land having been previously granted to other parties; said amount to be paid on warrant of the Auditor General on the State Treasurer in due form, upon a certificate from the Secretary of Internal Affairs that the warrant and patent granted in said case have been surrendered to the State. And for the payment to the estate of A. C. Patterson, the sum of three hundred dollars, the same being the amount paid by A. C. Patterson, now deceased, for an island in the Ohio River, in Allegheny county, which amount was improvidently paid by the said A. C. Patterson, the title to the said island having been previously granted to other parties; said amount to be paid on the warrant of the Auditor General on the State Treasurer in due form, upon a certificate from the Secretary of Internal Affairs that the warrant and patent

granted in said case have been surrendered to the State."

These items are disapproved for the reason that Article III, Section 15, of the Constitution of the State, provides that "The General Appropriation Bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made in separate bills, each embracing but one subject," and the appropriations contained in this item are not for any ordinary expense of any department of the State Government and are not properly included in the General Appropriation Bill, and for the further reason that, if approved, such action would establish a precedent for many other similar claims, which might be presented by people who attempt to obtain title by location of land which they believe to be unpatented. The State officers cannot guarantee title to persons who claim land to be unpatented, and I very much fear that this would open the door to many similar claims.

The item in section twenty-four which provides as follows:

"The sum of two thousand two hundred and ninety-three dollars and ninety cents, or so much thereof as may be necessary, is hereby appropriated to Theodore C. Erb, mechanic of the Capitol building, to reimburse him for personal property, owned and used by him in the service of the State of Pennsylvania, which was destroyed by the burning of the Capitol building, February second, one thousand eight hundred and ninety-seven, in accordance with sworn statement furnished, and which shall be filed with the Auditor General when settlement of said account is made."

This item is disapproved because it is not such ordinary expense of the Executive, Legislative and Judicial Departments of the Commonwealth as is contemplated in Article III, section 15, of the Constitution, and it is, therefore, not properly incorporated in the General Appropriation Bill.

The item in section twenty-five which provides as follows:

"For the payment of the bills incurred and the necessary expenses thereunder of concurrent resolution, approved February ninth, one thousand eight hundred and ninety-seven, for stenographic services and typewriting, the sum of four hundred and sixty dollars, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General to William K. Miller, upon the presentation of specifically itemized vouchers, duly verified and attested under oath."

This item is disapproved for the reason that it is to pay for stenographic work and typewriting authorized by the Legislature of 1897, and should have been provided for by that Legislature, and was, as I am informed, partially paid. In my judgment the unpaid accounts of the Legislature of 1897 should not be satisfied by appropriations made at this time. This belongs to that class of claims about which much agitation has been made, and I do not feel disposed to reopen the subject.

The item in section twenty-six which provides as follows:

"To the estate of Edgar L. King, deceased, the sum of fifteen hundred dollars in full for bill of thirty-three hundred and thirty-seven dollars and eighty-five cents, for services during the session of one thousand eight hundred and ninety-seven, including stenographic, typewriter, copying work, and other services and expenses incurred in pursuance of concurrent resolutions, approved February ninth, one thousand eight hundred and ninety-seven, February sixteenth, one thousand eight hundred and ninety-seven, March seventeenth, one thousand eight hundred and ninety-seven, and April thirtieth, one thousand eight hundred and ninety-seven, four hundred and fifty dollars of which shall be paid to Miss Gertrude M. Butler, his assistant, and one hundred and fifty dollars to William F. Reber, his assistant, and the remainder to Mrs. Edgar L. King, widow of Edgar L. King, deceased, payable upon proper warrants of the Auditor General."

This item is disapproved for the same reasons as set forth in the disapproval of item in section twenty-five of this bill.

The item in section twenty-nine which provides as follows:

"For the payment of the amount due the estate of George F. Murray, for work in and about the Capitol building in one thousand eight hundred and ninety-five, the sum of eight hundred and fifty dollars, or so much thereof as may be necessary, the same to be paid upon satisfactory proof to the Auditor General and State Treasurer that the work was duly ordered by competent authority and was properly done by said Murray."

This item is disapproved for the reason that the claim of George F. Murray was considered, and he has already been allowed the amount to which, in the judgment of the Board of Public Grounds and Buildings, he was entitled. This Board was better capable of judging the value of his services, and the compensation he should receive for his work, than the Legislature of 1899 and the Governor. An attempt to correct any mistakes which may have been made by the Board would, in my judgment, be unwarranted, and for this reason I withhold my approval of this item.

WILLIAM A. STONE.

Vetoes.

JOINT RESOLUTIONS FILED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, WITHIN THIRTY DAYS AFTER THE ADJOURNMENT OF THE LEGISLATURE ON APRIL 20, A. D. 1899.

No. 1.

A JOINT RESOLUTION

Proposing an amendment to the Constitution of the Commonwealth.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth in General Assembly met, That the following is proposed as amendments to the Constitution of the Commonwealth of Pennsylvania, in accordance with the provisions of the eighteenth article thereof:

Amendment One to Article Eight, Section One.

Add at the end of the first paragraph of said section, after the words "shall be entitled to vote at all elections," the words "subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact," so that the said section shall read as follows:

Section 1. Qualifications of Electors. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the State one year (or if, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months), immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

4. If twenty-two years of age and upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

Amendment Two to Article Eight, Section Seven.

Strike out from said section the words "but no elector shall be deprived of the privilege of voting by reason of his name not being registered," and add to said section the following words, "but laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class," so that the said section shall read as follows:

Section 7. Uniformity of Election Laws.—All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class.

JOHN R. FARR,
Speaker of the House of Representatives.

W. P. SNYDER,
President pro tempore of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 5, 1899.

I file herewith, with my objections, in the office of the Secretary of the Commonwealth, Joint Resolution No. 103, "proposing an amendment to the Constiution of the Commonwealth," which originated in the House of Representatives, and was received by me April 17, 1899.

It is the purpose of this resolution to provided for the amendment of Sections 1 and 7 of Article VIII of the Constitution so as to provide that "laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class."

Section 7 provides that "all laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State." The framers of the new Constitution wrote into our fundamental law the wholesome provisions that all election and registration laws should be uniform throughout the entire State,

and I can see no sufficient reason why a different rule should prevail at the present time. It seems to me that every citizen, in the exercise of the right of suffrage, should be on an exact equality with his fellow citizens, no matter in what part of the Commonwealth he may be located. I cannot but doubt the propriety of changing the Constitution so as to permit the enactment of laws that will make qualifications of electors in the cities and other municipalities different from the qualifications of electors in other parts of the Commonwealth.

The submission of a constitutional amendment to a vote of the people necessarily imposes upon the taxpayers a very considerable expense, and it should not be done unless there is some public necessity for the proposed amendment. I am not convinced that any such necessity exists in reference to the proposed amendment. A constitution preserves the rights, liberties and privileges of the people and should not be easily disturbed. I therefore withhold my approval.

WILLIAM A. STONE.

No. 2.

A JOINT RESOLUTION

Proposing an amendment to the Constitution of the Commonwealth.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following is proposed as an amendment to the Constitution of the Commonwealth of Pennsylvania in accordance with the provisions of the Eighteenth article thereof.

Amendment.

Strike out section four of article eight, and insert in place thereof, as follows:

Section 4. All elections by the citizens shall be by ballot or by such other method as may be prescribed by law: Provided, That secrecy in voting be preserved.

JOHN R. FARR,
Speaker of the House of Representatives.
J. P. S. GOBIN,
President of the Senate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 12, 1899.

I herewith file, in the office of the Secretary of the Commonwealth, without my approval, a Joint Resolution "proposing an amendment to the Constitution of the Commonwealth," which originated in the Senate and was received by me on the 20th day of April, A. D. 1899.

It is the purpose of this resolution to provide for the amendment of Section 4 of Article VIII of the Constitution, which requires that all elections shall be by ballot. As it now stands, the Constitution provides that every ballot voted shall be numbered, and the number must be recorded by election officers on the list of voters opposite the name of the elector. It also provides that an elector may write his name upon the ticket, or cause the same to be written thereon, so that his right of suffrage may not be interfered with. This provision was intended, not only to prevent fraud in our elections, but to make more easy the detection of the fraudulent voter. So far as I have any knowledge on the subject, this provision of the Constitution has given very general satisfaction to our people and is considered a safeguard in the exercise of the elective franchise. It is the intention of the proposed amendment to strike down these constitutional limitations so that the Legislature may adopt any system of voting it may see fit. While it does not appear in the language of the proposed amendment, it is, nevertheless, well understood that its promoters have in view the introduction of voting machines into the many election districts of the State. This would involve the Commonwealth or the counties in the expenditure of large sums of money, and it is very doubtful whether our electors and taxpayers are prepared for such a radical change in the system of voting and to pay the expenses which would necessarily be incurred by the introduction of voting machines.

The question of the right of the Executive to approve or disapprove of a resolution proposing an amendment to the Constitution has been raised, and it may not be deemed improper to state, in this connection, what the requirements of the Constitution and the precedents are in this respect. It is quite true that this exact question has not yet been passed upon by our courts, and it may be properly said that it is not free from doubt. It has, however, been considered by my predecessors in office at least four times since the adoption of the new Constitution.

In 1885 a joint resolution proposing an amendment to the Constitution was passed by the Legislature and presented to the Governor for his approval or disapproval. That amendment was neither approved nor disapproved, but the right of the Governor to pass upon

it was recognized in the following language by the then Executive: "And not having been filed in the office of the Secretary of the Commonwealth, with my objections thereto, within thirty days after the adjournment of the Legislature on the twelfth day of June last passed, you are therefore hereby directed to cause it to be enrolled and published."

The question came before the Governor in 1887, in the shape of a joint resolution proposing an amendment to the Constitution of the Commonwealth prohibiting the manufacture and sale of intoxicating liquor as a beverage. The Governor recognized his right to pass upon such legislation by approving said resolution on the tenth day of February of that year.

The question again came before the Legislature and the Governor in 1889, when a joint resolution proposing an amendment to the Constitution passed the Legislature, and was approved by the Executive on the thirty-first day of January of that year.

Again in 1891 an amendment was proposed, providing for a constitutional convention. The act providing for a submission of this question to a vote of the people was passed by the Legislature, and approved by the Governor on the nineteenth day of June of that year.

From all these precedents, it appears that the Legislature, as well as my predecessors in office, have acted upon the theory that a resolution proposing an amendment to the Constitution should be treated as the joint act of the Legislative body, which must be approved or disapproved by the Governor under Section 26 of Article III of the Constitution, which provides:

"Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill."

It seems to me that the reasonable construction is that these constitutional provisions are in pari materia, under the well established rule that such an interpretation should be placed upon a constitution or statute that all of its parts can stand together, unless clearly repugnant to one another. A resolution proposing an amendment to the Constitution requires the concurrence of both houses, as indicated in Section 26, above referred to, and would, therefore, seem to require executive approval or disapproval. It should not be forgotten in this connection, that this resolution has been presented to the Governor by the Legislature through its proper officers and in the ordinary form, and is upon my table, as a part of the work of the Legislature, for my

approval or disapproval. If the power of the Executive to pass upon joint resolutions proposing amendments to the Constitution is doubted it can very properly be raised in the courts where the question should be finally determined.

Following the precedents established by my predecessors, and acting under the authority conferred upon the Executive by Section 26 of Article III of the Constitution, above referred to, I withhold my approval.

WILLIAM A. STONE.

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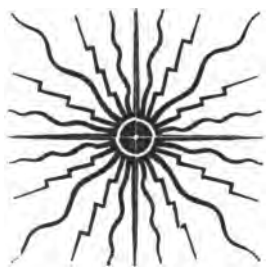
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